CHILD LABOUR PROBLEM IN INDIAN COTTAGE INDUSTRIES

THESIS

Submitted for the Award of the Degree of Doctor of Philosophy in Economics

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2007



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CERTIFICATE

This is to certify that the thesis entitled "CHILD LABOUR PROBLEM IN INDIAN COTTAGE INDUSTRIES submitted to Bundelkhand University, Jhansi, Uttar Pradesh for the degree of Doctor of Philosophy in Economics by Mr. Naresh Kumar, is an original piece of work done by him under my guidance and supervision. No part of this study reported here has so far been submitted to any other University for the award of the degree. He has Completed Require allowance

It is further certified that all sources of information and help availed of, has been duly acknowledged.

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PREFACE

The problem of child labour originated during the Industrial Revolution in Britain in the period 1760-1860. Children were employed in local factories and subjected to long working hours, with low wages and poor living conditions.

Although the problem of child labour is a global phenomenon, its prevalence is extremely high in developing countries such as India.

The Problem of child labour originates in the abject poverty and illiteracy of the rural populace. Children are employed as labourers with extremely low wages or simply to pay off a loan. The conditions in the factories and industries are extremely hazardous for the children and lead to numerous health problems. Our study examined the problem of child labour in 5 states, namely Punjab, Haryana, Bihar, Orissa and Kerala.

The children were employed mainly in industries such as beedi making, Carpet weaving, Silver Industries, Silk Industries Garages, Mining, in tea stalls and also as domestic help. The remedies for this problem lie in a strict implementation of the laws to combat child labour and also in rehabilitating child labourers and their families.

ACKNOWLEDGEMENTS

It gives me a great pleasure to thank all people who have helped me in innumerable ways by contributing to my experiences and successes that I had during this period of my life, without whose support completing this work would have been impossible.

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Last but not the least, I want to thank my wife, Urmil, for always being there, supporting and motivating me to always do better and for his patience for seeing me through.

In the end, I would like to thank God for giving me all these people around me for all this time. Although, I wish to acknowledge all my friends who may have been left out in this acknowledgement,

(MARESH KUMAR)

THIS THESIS IS DEDICATED TO MY DAUGHTER AND SON

MANSI

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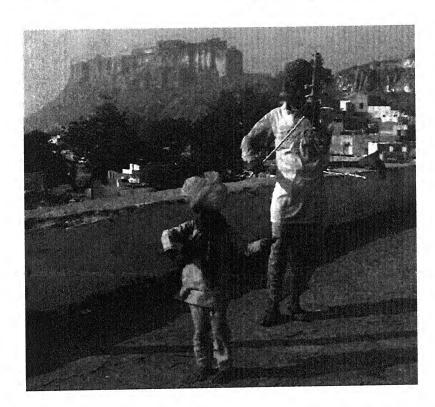


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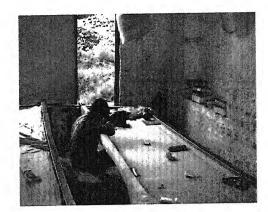


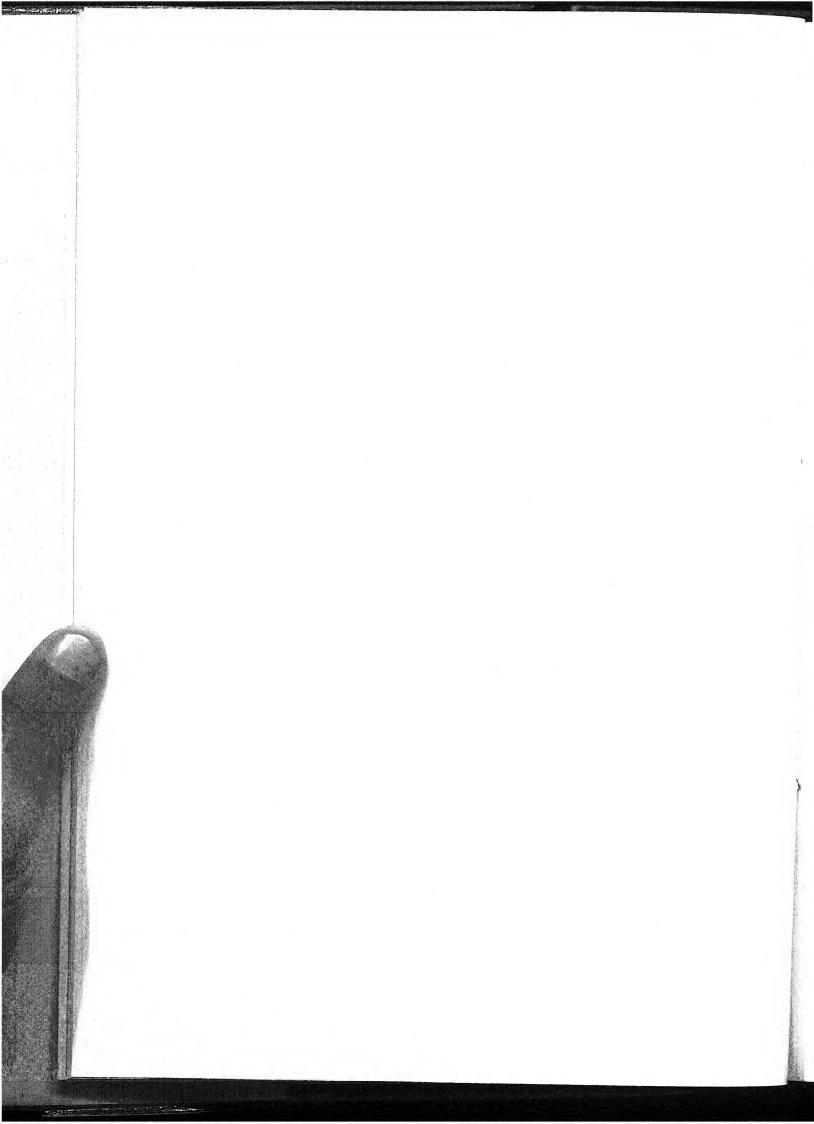
We need freedom from Bondage











CHAPTER 1

1. INTRODUCTORY

- 1.1 Introduction
- 1.2 Objectives of the study
- 1.3 Hypotheses of the study
- 1.4 Limitations of the study



INTORDUCTORY

1.1 INTRODUCTION

Child Labour is an unfortunate product of the Industrial Revolution. The Industrial Revolution originated in England and embraced industries not only in independent countries but also is the colonies captured by Imperial powers during the period 1760 to 1860.

- 1. The history of child labour is 19th Century Britain is replete with stories of their dire poverty and inhuman living conditions.
- 2. The employment of young children as child labourers in England, at the time, was largely due to the financial difficulties faced by their parents and lack of employment.
- 3. All though the living standards of children in the western countries is no more a matter of serious concern, it continues to be an alarming problem in India.
- 4. Millions of children are employed as child labourers in India, even today. They live a life of object poverty and social deprivation.

Definition of Child Labour

Child Labour means the employment of children (5 to 14 years of age) in gainful occupations, which are injurious to their physical, mental, moral and social development. The child labour is, at times, used as synonym for 'employed child' or 'working child'. But a working child is one who subjects himself or herself to work, unpaid or free, instead of being at the school at a tender and formative stage of his or her life. The Operation Research Group (ORG) in India defines a working children as ". ...a child falling within the 5-15 age bracket and who is at remunerative work, may be paid or unpaid and busy at any hour of the day within or outside the family. The children belonging to families with a meager income are compelled to join the labour force to supplement the family income. Generally, people from lower strata of our society send their children to work instead of sending them to school for education. Hence the child intellectual growth is hampered by depriving him or her of educational opportunities, minimising the child's chances for vocational training and condemning them to low wages all their lives as unskilled laborers. The growing number of child labourers especially in third world countries causes serious concern to those who are interested in the child welfare. It is recognised that during the process of industrialization child labour grows in a big way in the unorganised sectors and it is intensified more with rapidly growing population.

Magnitude of the Problem

The world's population of working children has yet to be counted accurately. Because it is often illegal and conducted in a clandestine manner, child labour lies beyond the reach of conventional labour statistics. New survey methods are penetrating the screen of obscurity, which for too long has concealed the problem from public view. The findings reveal a tragedy of far greater magnitude than earlier. Some 61 per cent of this total or nearly 153 million are found in Asia; 32 per cent or 80 million are in Africa and 7 per cent or 17.5 million, live in Latin America. These estimates are based on a new and more accurate methodology recently tested by the ILO's Bureau of Statistics in Ghana, India, Pakistan, Senegal and Turkeys. Child Labour as a per cent of child population (age group 10-14 years and in some cases 10-16 years) in different parts of the world as per ILO's estimates for 1995 is reported in Table 1.1. The proportions in Africa are generally higher than those in Asia and elsewhere. Within Asia the range is quite large from virtually zero in Japan to over 45 per cent in Nepal and East Timor.

It is difficult to give a precise estimate of the overall magnitude of the problem of child labour in India on account of numerous limitations, such as, the predominance of the informal and unorganized nature of the labour market, multiplicity of concepts, methods of estimation and sources of data etc. However, as per the data furnished in Table 1.2 the (estimate for) child labour were found

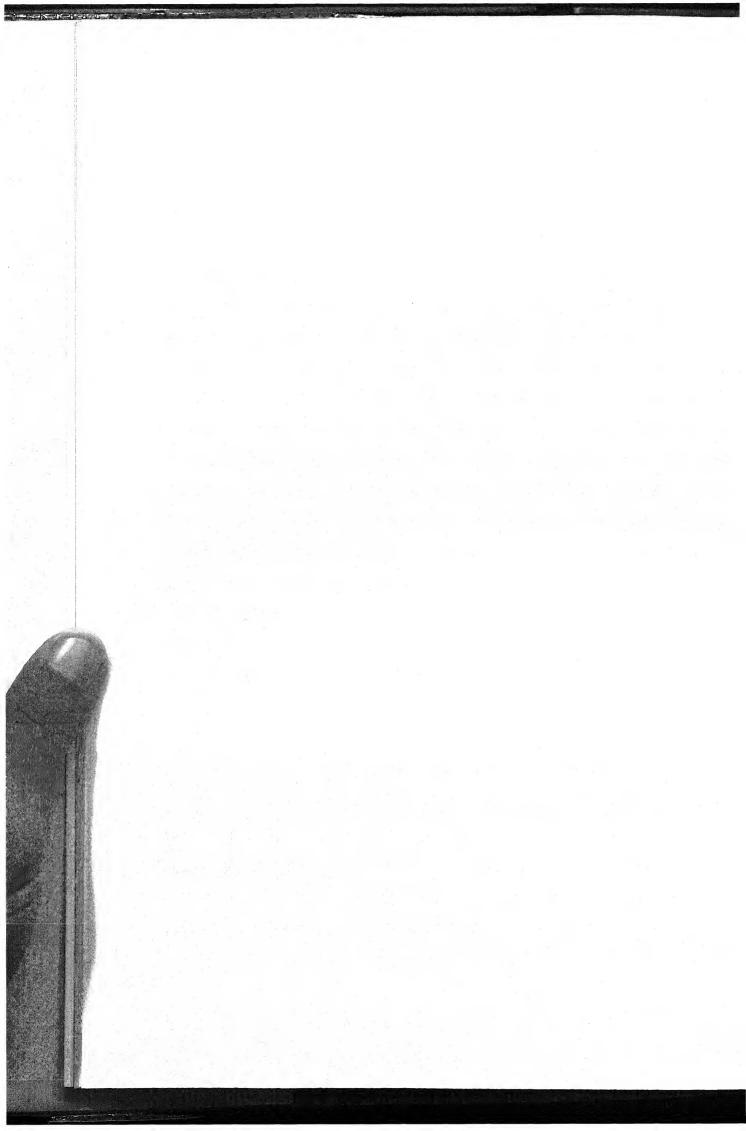
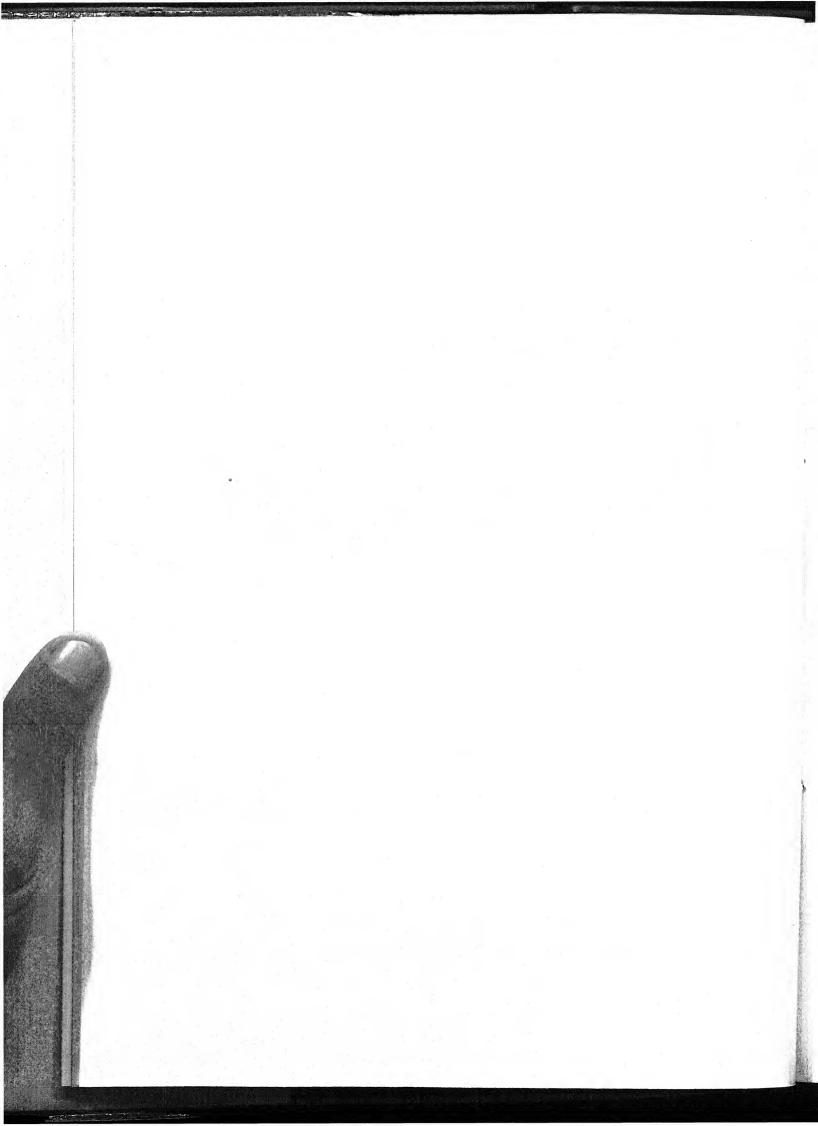


Table 1.1 Child Labour at World Level, 2001

Asia	Percent	Africa	Percent	Latin America	Percent	Europe, Oceania, Middle East	Percent
Bhutan	\$5.3	Mali	25.20	Haiti		Portugal	e pour
East Timor	45.39	Burkina	20.00	Guatemala		Albania	ुआम पृथ्वेत्रक किस्स
Nepal	45.18	Burundi	200	Brazil	0	Italy	And Many Continues of the Continues of t
Bangladesh	30.12	Uganda	100 N	Dominican	Secretary of the secret	Hungary	Endone
Pakistan	17.67	Niger	at off at off	Bolivia	din.	Rumania	daya daya ma ma
Thailand	16.22	Ethiopia	42.30	Nicaragua	American A American American American American A American American A American American American American American American American Americ	Solomon Islands	01 30 30
India	14.37	Kenya	A. M.	Paraguay	Pro-	Papua New Guinea	Letters and the second
China	£.	Senegal	32,36	Mexico	500	Polynesia	70 mg. 1 mg.
Indonesia	9.55	Zimbabwe	29.42	Colombia		Turkey	The second secon
Vietnam	9.12	Nigeria	25.75	Costa Rica	84.5	Yemen	Maria Maria Maria Maria Maria
Philippine	8.04.	Cam	20.46	Argentia		Syrian Arab Rep.	A Special Control of the Control of
Malaysia	3,16	Cote D' Voire	NO	Peru		Iran	
Hong Kong	0.00	Zambia	45.53	Uruguay	professional control of the control	Iraq	
Japan	0.00	Egypt	Some Some Sold Sold Sold Sold Sold Sold Sold Sold	Venezuela	et de services for the forther	Jordan	WARL 1 S 1 OF 1 S 1 S 1 S 1 S 1 S 1 S 1 S 1 S
		Morocco	igrados garginis garginis garginis garginis hayi sa	Chile	Entropy of the of the of the	Saudi Arabia	Service Service Service Service
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		South Africa	Person of the second of the se				
		Tunisia	parent Service Parent Country Service Service				

:- Economically active population, estimates and projections, 1950-2010. Fourth edition International Labour Office, Geneva as reported in ILO World of Work Source



to be had are 10.74 million in 1975. By 1999 the estimated figure has gone upto 140 million.

Table 1.2
Magnitude of Child Labour as Estimated
by Different Organizations

Year	Extent of Child Labour	Organization
1975	10.74 Million	Census
1981	16.33	27 th Round of N.S.S.
1982	15.10	ILO
1983	13.60	Census
1984	17.36	38 th Round of NSS
1987-88	44.00	ORG Baroda
1991	111	Balai Manila
1994	17.02	43th Round of NSS
1995	23.02	Census
1996	20.00	Labour Ministry
1997	74.80	CACL
1999	140.00	Census
2000	35.00	UNICEF
2001	73.00	UNICEF

Source :- Quoted in R.R. Patel, "Eliminating Child labour; Some National and International Limitations" Social Change.

In India the size of child labour force is not only large but it has been increasing from year to year in spite of ILO's conventions, labour legislation and India's commitment to universal and compulsory education upto the age of 14 years, According to the report of the committee on child labour (1979) child labour is not a new phenomena to our age. It has existed in one form or the other since a very long time. The extent of child labour in India could be examined by analysing the census data presented in Table 1.3.

Table 1.3
Child Labour in India

Census Year	Rural	Urban	All				
	A. Percentage of	Child Population in	the Total Population				
1981	34.02	7.01	41.03				
1991	34.25	7.77	42.02				
2001	30.88	8.66	39.54				
	B. Percentage of C	hild Workers in the	Total Child Population				
1981	7.59	0.45	8.04				
1991	4.33	0.34	4.67				
2001	4.77	0.40	5.17				
	C. Percentage of Child Workers to Total Workers						
1981	7.25	0.42	7.67				
1991	5.53	0.43	5.96				
2001	5.13	0.43	5.66				

Source: Census of India 1981, 1991, 2001

It is evident that the percentage of child labour in the total population has remained nearly the same during 1981, but decreased in 2001 rural areas and increased in urban areas. Similarly, the percentage of child labour to child population declined from 8.04 per cent to 5.17 per cent during 1981-2001. Though this sign is observed as prosperity sign for Indian nation, it is evident that the total percentage of child worker to total child population rose from 4.67 per cent to 5.17 per cent during 1991-2001. This indicates the lessening of the economic opportunities of poor people in rural areas. Though the percentage of child labour to total workers declined by 2 percent during 1981-2001, the absolute number is increasing. The percentage distribution of child workers in India, by State is furnished in Table 1.4 for the period 1991-2001. It can be observed from the

Table 1.4
State-wise Distribution of Child Labour in India (%)

State	1981	1991	2001
Andhra Pradesh	14.97	14.24	1 1 2 02
Assam	2.20		2.64
Bihar	9.75	8.04	10 mg
Gujrat	4.77	4.50	
Harayana	1.27	1.42	
Himachal Pradesh	0.66	0.73	. The last
Karnataka	7.44	8.26	
J&K	0.65	1.89	Ma Ar
Kerala	1.03	0.68	
Madhya Pradesh	10.23	12.40	
Maharashtra	9.09	11.37	- C.
Manipur	0.15	0.15	(**) ** (***)
Meghalaya	0.36	0.33	\$.20
Nagaland	0.13	0.19	1
Orissa	4.53	5.13	Section 1
Punjab	2.14	1.58	· · · · · · · · · · · · · · · · · · ·
Rajasthan	5.40	5.98	5.81
Sikkim	0.14	0.06	9 1 1 22 100 1 10 20
TamilNadu	6.56	7.12	in the second
Trippura	0.16	0.18	in the second se
Uttar Pradesh	12.21	10.47	<u> </u>
West Bengal	4.71	4.12	the contract
A & N Island	0.01	0.01	ener of ref
Arunachal Pradesh	0.16	0.13	
Chandigrah	0.01	0.01	
D & N Haveli	0.03	0.03	PA A A SA S
Delhi	0.16	0.19	# A. A.
Daman & Diu	0.07	0.07	
Goa	0.04	0.01	- Articus
Lakshdeep	0.01	0.01	in the
Mizoram	-	0.05	Q.14
Pondichery	0.01	0.03	0.02
TOTAL	100.00	100.00	100.00

Source: Census Report of 1981,1991 and 2001 Government of India, New Delhi

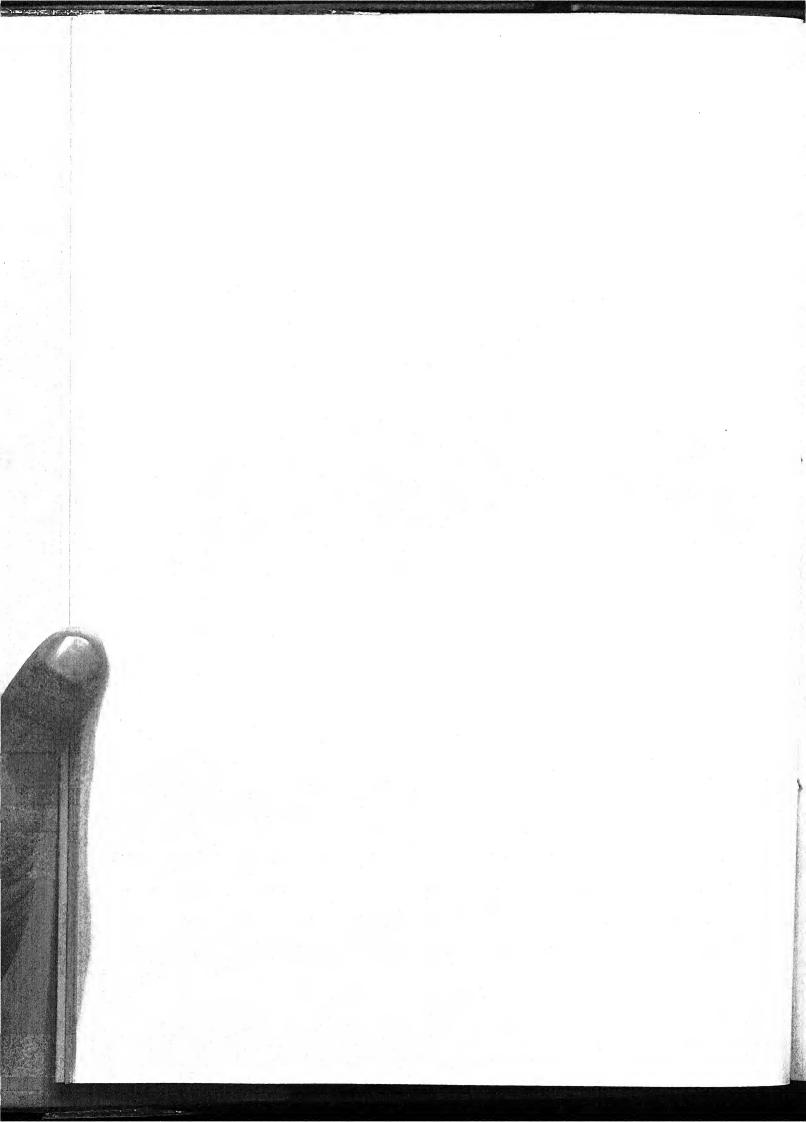


table that Andhra Pradesh (14.63%) stands first for the last two decades in terms of percentage of child labour to total child workers in India followed by Uttar Pradesh (1241%) and Madhya Pradesh (11.90%). The Child Labour Force Participation Rates (LFPR) for boys and girls for the major states for the period 1971-2001 are given in Table 1.5. The variations in labour force participation rates and the states for both boys and girls given are apparent in the table. The data indicates that LFPR have substantially reduced during 1961-91 in the states such as Andhra Pradesh, Rajasthan, Bihar, Madhya Pradesh, Uttar Pradesh, Orissa, Punjab, Tamilnadu, Maharashtra and Karnataka etc. Abundant literature has emerged on the problem, including causes and consequences of child labour and the elimination of child labour in India. The principle causes that are noticed in majority of the major studies of child labour are: poverty, illiteracy and ignorance of parents, large size of family, unemployment and under-employment of parents, absence of schemes for family allowance, child labour is cheap, death of parents and other economic and sociological reasons also contribute to the problem. (Table No. 1.5)

The higher the rate of child unemployment the lower is the rate of adult employment. In many studies it is also observed that the market value of children's labour is less than half the value for adults. Apart from employment and earnings child labour is directly related to child health and exerts a negative effect on it. It seriously affects the child education and personality development. Further, it results in loss of schooling, mental retardation, physical strain and deprivation

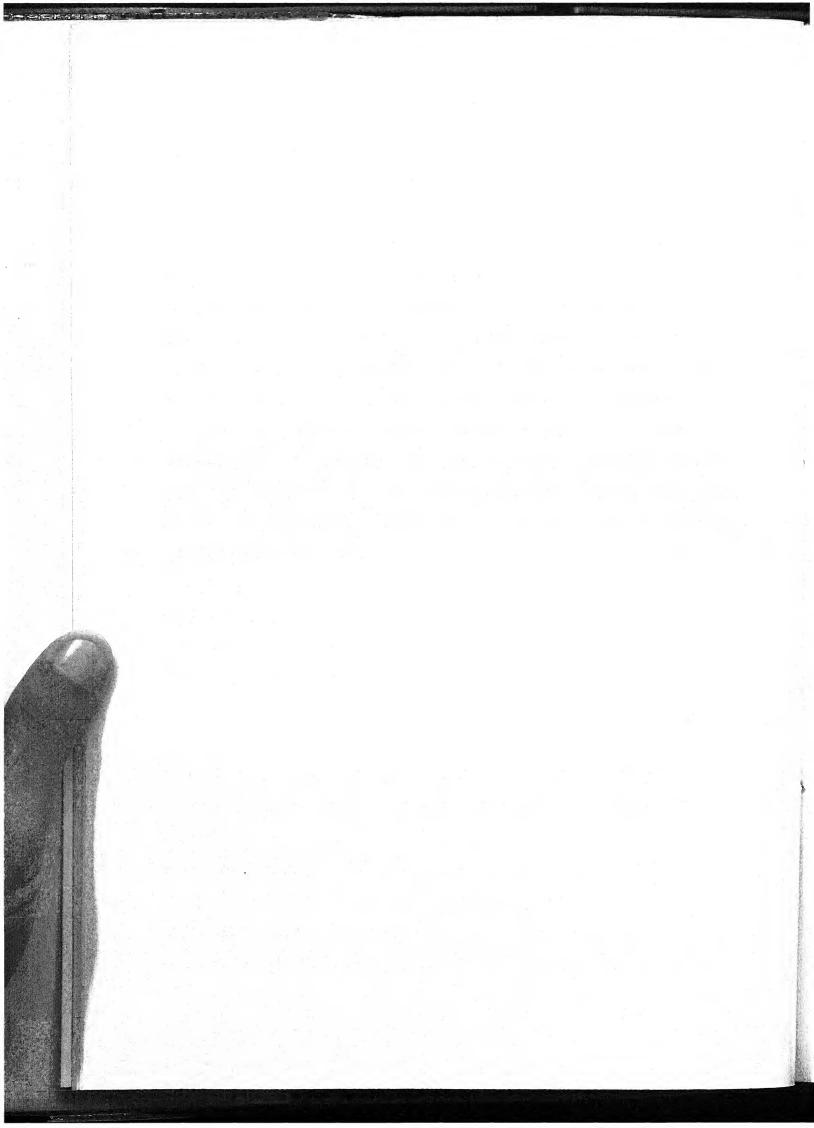
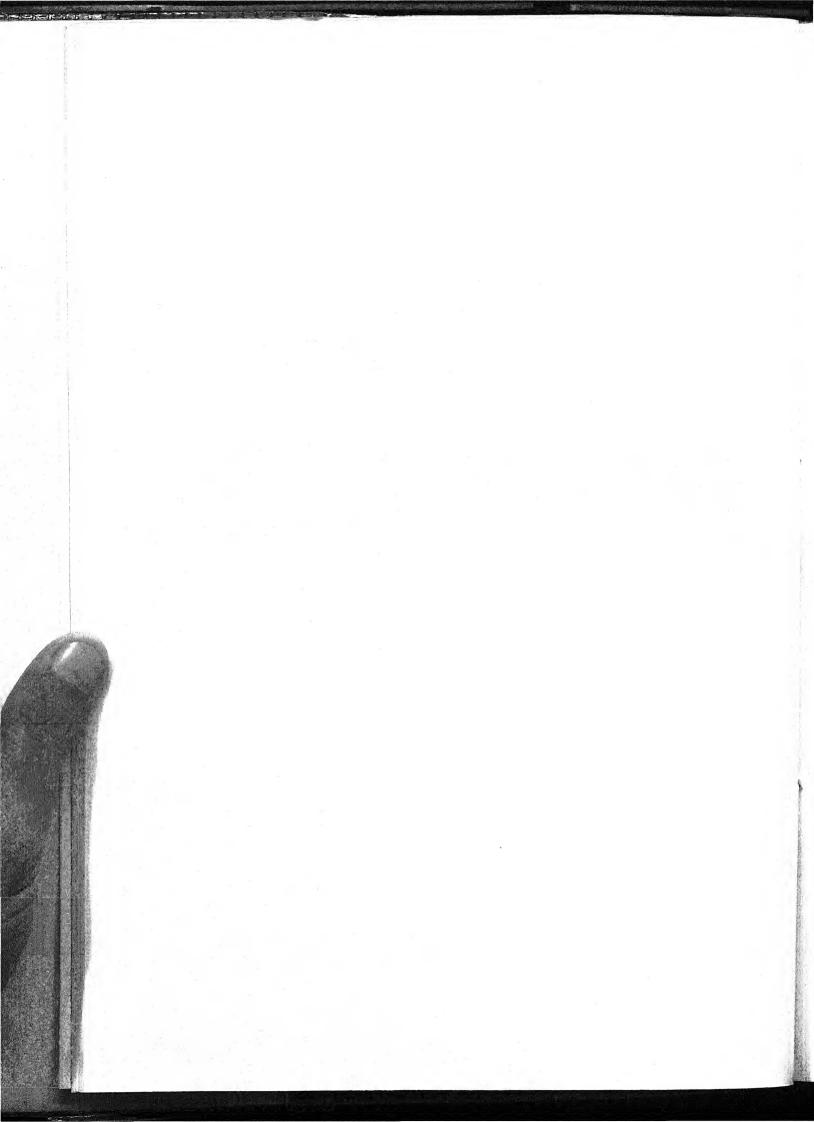


Table 1.5
Child Labour Participations Rates
(Percentage in Labour Force)

State	1	971	19	981	1	991	2	001
	Male	Female	Male	Female	Male	Female	Male	Female
Andhra	24	77,4	17.08	3.1.1	14.2	10.6	9.1	9.4
Pradesh								
Bihar	14.9	ā.5	10.0	A G	6.4	2.3	4.7	1.9
Gujrat	11.9	135	9.3	14	6.8	3.3	4.7	2.7
Harayana	12.3	(3 . T)	7.5		5.8	1.6	3.0	1.0
Himachal	9.3	13.5	6.5	Michigan Michigan Michigan	4.3	6.3	2.2	2.8
Pradesh								
Karnataka	18.3	12.6	14.1		12.1	7.1	8.2	6.5
Kerala	3.4	Part Supple	2.1		1.1	1.1	0.5	0.4
Madhya	19.3	18.3	12.4	1 1	11.0	7.9	6.6	5.2
Pradesh								
Maharashtra	13.6	14.1	8.7		8.1	7.1	4.1	4.5
Orissa	18.9	10.5	13.5	1995 - 19 1977 - 1995 1986 - 1995	10.5	3.5	5.6	2.8
Punjab	14.6	7.1	11.6	in ja ut i the	7.6	0.4	4.9	0.5
Rajasthan	21.4	19.8	11.2	4.2	7.8	4.1	4.4	4.3
TamilNadu	14.5	10.6	9.7		8.4	6.6	4.4	4.3
Uttar Pradesh	13.3	6.7	8.3	2. 2	6.3	1.4	4.6	1.3
West Bengal	7.8	2.0	7.0	1.0	5.6	1.3	5.1	1.8
ALL INDIA	14.6	10.8	9.9	4,5	8.0	4.4	5.2	3.4

Source: Census Report of 1981,1991 and 2001 Government of India, New Delhi



of avenues, which are vital for the normal growth of child. Hence, it may be said that child labour is economically unsound as it undercuts adult labour, reduces wages and increases adult unemployment. Consequently, child labour perpetuates poverty-it does not reduce it as it condemns one generation after another to its vicious circle.

The future of the nation depends on the present day children. So every effort need to be made to provide the children a pleasant present and a bright future. Elimination of child labour in India has been attempted by NGOs and the government. The National Policy on Child Labour was formulated in 1987, which envisages general developmental programmers for the benefit of child labour. India has lately set up a National Authority on Elimination of Child Labour (NAECL) and Rs. 850 crores have been earmarked to abolish child labour in hazardous industries by 2010 A.D. The ILO sponsored International Programme for Elimination of Child Labour (IPEC) has given the country Rs. 3.6 million for implementing projects to eliminate child labour. The government also involves non-governmental organisations with grant-in-aid funds to strengthen its national Child Labour Projects (NCLPs).

Inspite of all these steps the plight of children remains the same. It may be noted that India can have the maximum number of child labour in the world by the end of 2010 AD. Hence certain measures have to be taken to remove children from the labour force. Such measures should be of two types:

- (1) immediate and interim measures, and
- (2) long term measures.

The immediate and interim measures could be:

- (i) prohibition or banning child labour through strict enforcement of Child Labour Act of 1986 and the Bonded Labour (Abolition) System Act 1975,
- (ii) ratification of the ILO Convention 138 and Article 32 of the UN Rights of Child,
- (iii) withdrawing/stopping all subsidies to industries employing children,
- (iv) opening residential schools for children withdrawn from jobs, to give them education and training in vocations of their choice,
- (v) providing the families of such children with substitute sources of income.
- (vi) compulsory schooling for children in non-hazardous jobs,
- (vii) continuous monitoring of the enforcement of law and the implementation of projects seeking to provide substitute income for the families.

The long term measures for total elimination of child labour from the Indian society could be the following:

- (a) creation of employment opportunities for adult unemployed,
- (b) introduction of compulsory primary education upto the age of 14 as per Article 45 of the Constitution,

- (c) extensive and intensive rural and urban community development programmes that create gainful employment for adults,.
- (d) entrepreneurial development through financial assistance and training to the poor and those interested/willing to set up their own enterprises or take to self-employment,
- (e) opening up of free vocational and industrial training institutes for poor children after they complete compulsory primary education.

The problem of child labour in India has attracted considerable attention amongst social scientists, government and voluntary organisations in the mid-eighties. The debate on the subject was initiated when Government enacted Child Labour (Prohibition and Regulation) Act, 1986 to deal with the problem. Many seminars, workshops, research studies were conducted in different areas with an objective to comprehend the problem. As the Government of India acceded to the U.S. Convention on the Rights of the Child on December 11, 1992, it has now become obligatory for the Government of India to undertake measures to eliminate child labour which has assumed serious proportions in recent years. The issue of child labour has become more significant in view of the judgement of the Supreme Court on December 10,1996 in a writ petition (civil) in which it has given certain directions regarding the manner in which the childrens working in hazardous occupations are to be withdrawn from work and rehabilitated.

According to 1991 Census, the estimated figure of working children was 13.6 million whereas in 2001, it was reduced to 11.28 million as is indicated in Table 1.6.

The state with the highest child labour population in the country is Andhra Pradesh which had 1.66 million working children. Other states where child labour population is more than one million are Madhya Pradesh, Maharashtra and Uttar Pradesh. More than 90 per cent of the child labour is engaged in rural areas, in agriculture and allied employments like-cultivation, agricultural labour, livestock, forestry and fisheries.

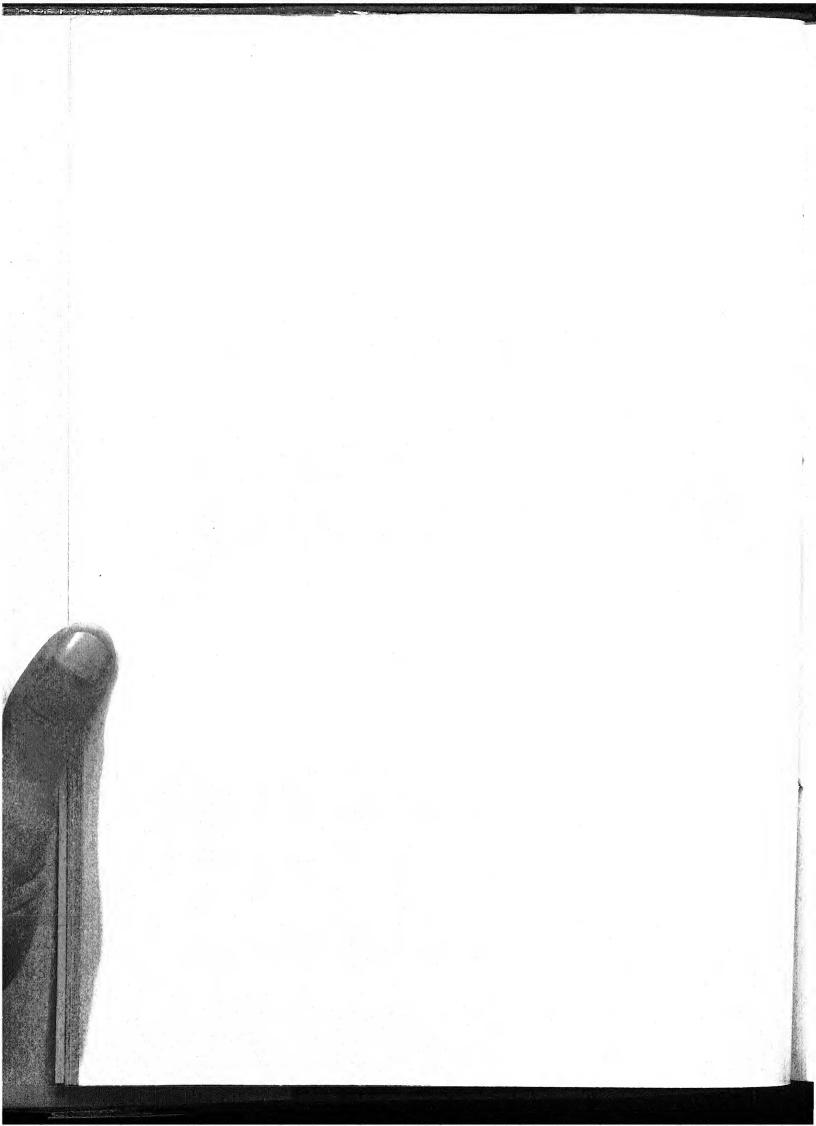
Children are the loveliest creations of nature. They are universally recognised as the greatest assets of any nation and are also the future of the nation. They are flowers of our national garden. Every child is an asset to society and the future welfare of the society depends on the welfare of the child. Jawaharlal Nehru once said, "But somehow the fact that ultimately everything depends on the human factor, gets rather lost in our thinking of plans and schemes of national development in terms of factories and machinery and general schemes. It is all very important and we must have them, but ultimately of course, it is the human being that counts, and if human being counts, well, he counts much more as a child than as a Grown Up."

Table 1.6
State-wise Distribution of Working Children According to 1991 and 2001 Census

State	1991		2001	
	Workers	Main	Marginal	Total
		Workers	Workers	Workers
Andhra Pradesh	1951312	1537293	124647	1661940
Assam	*	259953	67645	327598
Bihar	1101764	795444	146801	942245
Gujrat	616913	373027	150558	523585
Harayana	194189	89030	20661	109691
Himachal Pradesh	99624	30771	25667	56438
J&K	258437	×	*	*
Karnataka	1131530	818159	158088	976247
Kerala	92854	28590	6210	34800
Madhya Pradesh	1698597	997940	354623	1352563
Maharashtra	1557756	805847	262571	1068418
Manipur	20217	13478	3015	16493
Meghalaya	44916	30730	3903	34633
Nagaland	16235	16106	370	16476
Orissa	702293	325250	127144	452394
Punjab	216939	132414	10454	142868
Rajasthan	819605	490522	283677	774199
Sikkim	8561	5254	344	5598
TamilNadu	975055	523125	55764	578889
Trippura	24202	13506	2972	16478
Uttar Pradesh	1434675	1145087	264999	1410086
West Bengal	605263	593387	118304	711691
A & N Island	1309	758	507	1265
Arunachal Pradesh	17950	11632	763	12395
Chandigrah	1986	1839	31	1870
D & N Haveli	3615	2677	1739	4416
Delhi	25717	26670	681	27351
Daman & Diu	9378	741	200	941
Goa	blr	3939	718	4656
Lakshdeep	56	17	17	34
Mizoram	6314	6391	10020	16411
Pondichery	3606	2565	115	2680
TOTAL	13640870	90822141	2203208	11285349

^{*} Census could not be conducted

Source: Annual Report of the Ministry of Labour 12001-2002, Govt.of India Publication, New Delhi



The system of child labour is a measuring rod of any economy, a curse for children and a slur on modem and civilised society. Child labour is a global phenomenon. The problem has assumed serious dimensions in developing countries. In India the system of child labour is very old. The process exists till today and childhood of crores of children is being crushed in the dark race of modernity. Children were required to do some work either at home or in the field alongwith their parents from ancient times. We find in Manusmriti and Arthashastra that the king made education of every child, boy or girl, compulsory and Kautilya prohibited the trade of children, who were purchased and converted to slaves by some people. The problem of child labour marked as a grave problem in the 19th century when the first factory was started in the mid-19th century.

The term 'Child labour' is at times, used as a synonym for employing child or working child. The children who are engaged in employment at the age of fourteen years or below the age of fourteen deprived them the opportunities of development, are called child labour. Generally there are two kinds of child labour: traditionally to assist in work by the children alongwith their parents and works done by the children outside the family for kind or cash remuneration to raise the income of the family. According to V. V. Giri, "the term child labour is commonly interpreted in two different ways: *First*, as an economic practice and *secondly*, as a social evil.

The committee on child labour constituted under the Chairmanship of Sri Gurupadaswamy observed that, "labour becomes an absolute evil in the case of the child when he is required to work beyond his physical capacity, when hours of employment interferes with his education, recreation and rest, when his wages are not commensurate with the quantum of work one and when the occupation in which he is engaged endangers his health and safety.

The definition provided by the International Labour Organisation seems to be more comprehensive. "Child labour includes children primarily leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful educational and training opportunities that could open up for them a better future.

Categories of Child labour

A working child in the age-range of 5 to 15 who is doing labour, either paid or unpaid, and is working within or outside the family: basically, a child who is deprived of the right to education and childhood. What makes this definition important is that it makes it unambiguously clear that all out-of-school children are child labourers in one form or another. It does not make a distinction between children working in the so-called hazardous industries and children working as part of family labour.

The category of the children who are doing paid or unpaid work in factories, workshops, establishments, mines and in the service sector such as domestic labour are detailed below:-

i. Street Children

Children living on and off the streets, such as shoe-shine boys, rag-pickers, newspaper-vendors, beggars, etc. The problem of street children is somewhat different from that of child labour in factories and workshops. For one thing, most children have some sort of home to go back to in the evenings or nights, while street children are completely alone and are at the mercy of their employers. They live on the pavements, in the bus stations and railway stations. They are at the mercy of urban predators as also the police. They have no permanent base and are often on the move. So their problem is more acute than that of children working in a factory and living at home.

ii. Bonded Children

Children who have either been pledged by their parents for paltry sums of money or those working to pay off the inherited debts of their fathers. Bonded child labour is an acute problem in South Asia. Bonded children are in many ways the most difficult to assist because they are inaccessible. If the carpet owner has bought them, they cannot escape. If the middle-class housewife has paid for them, they cannot run away. If the landlord in the village owns them, they will spend their life in servitude till they get married and can, in turn, sell their children.

iii. Working Children

Children who are working as part of family labour in agriculture and in home-based work. If children are working 12-14 hours a day along with their parents at the cost of their education, their situation is similar to that of children working for other employers. In fact children, particularly girls, are expected to take on work burdens by parents in complete disproportion to their strengths and abilities.

iv. Children used for commercial sexual exploitation

Many thousands of young girls and boys serve the sexual appetites of men from all social and economic backgrounds. Direct links between the commercial sexual exploitation of children and other forms of exploitative child labour are numerous. Factories, workshops, street corners, railway stations, bus stops and homes where children work are common sites of sexual exploitation. Children are especially powerless to resist abuse by employers, either as perpetrators or intermediaries. Village loan-sharks often act as procurers for city brothels, lending money to the family which must be paid back through the daughter's work. Almost all such children are betrayed by those they trust and end up with their trust abused. The physical (health, danger of HIV/AIDS, sexually transmitted diseases) and psycho-social damage inflicted by commercial sexual exploitation makes it one of the most hazardous forms of child labour.

With credible estimates ranging from 60 to 115 million, India has the largest number of working children in the world. Whether they are sweating in the heat of stone quarries, working in the fields sixteen hours a day, picking rags in city streets, or hidden away as domestic servants, these children endure miserable and difficult lives. They earn little and are abused much. They struggle to make enough to eat and perhaps to help feed their families as well. They do not go to school; more than half of them will never learn the barest skills of literacy. Many of them have been working since the age of four or five, and by the time they reach adulthood they may be irrevocably sick or deformed-they will certainly be exhausted, old men and women by the age of forty, likely to be dead by fifty.

Most or all of these children are working under some form of compulsion, whether from their parents, from the expectations attached to their caste, or from simple economic necessity. At least fifteen million of them, however, are workingas virtual slaves. These are the bonded child laborers of India. This report is about them.

"Bonded child labor" refers to the phenomenon of children working in conditions of servitude in order to pay off a debt. The debt that binds them to their employer is incurred not by the children themselves, but by their relatives or guardians-usually by a parent. In India, these debts tend to be relatively modest, ranging on average from 500 rupees to 7,500 rupees, depending on the industry and the age and skill of the child. The creditors-cum-employers offer these "loans" to destitute parents in an effort to secure the labour of a child, which is always cheap, but even cheaper under a situation of bondage. The

parents, for their part, accept the loans. Bondage is a traditional worker-employer relationship in India, and the parents need the money-perhaps to pay for the costs of an illness, perhaps to provide a dowry to a marrying child, or perhaps-as is often the case-to help put food on the table.

The children who are sold to these bond masters work long hours over many years in an attempt to pay off these debts. Due to the astronomically high rates of interest charged and the abysmally low wages paid, they are usually unsuccessful. As they reach maturity, some of them may be released by the employer in favor of a newly-indebted and younger child. Many others will pass the debt on, intact or even higher, to a younger sibling, back to a parent, or on to their own children.

The past few years have seen increasing public awareness-in India itself, but particularly in the international arena-of the high incidence of child servitude in the carpet industry of South Asia. As a consequence, the international public has come to associate "child servitude" with the image of small children chained to carpet looms, slaving away over the thousands of tiny wool knots that will eventually become expensive carpets in the homes of the wealthy.

This attention and the outrage it has provoked are entirely warranted-the use of bonded child labour in the production of carpets for export is extensive, and conditions in that industry are horrendous. But it is vital that the public's concern for children in servitude not

begin and end with carpets. More than 300,000 children are estimated to be working in the carpet industry, the majority of them in bondage. This is a large number, but it represents only about 2 percent of the bonded child labourers of India.

The great majority of the carpet weavers' bonded brothers and sisters are working in the agricultural sector, tending cattle and goats, picking tea leaves on vast plantations, and working fields of sugar cane and basic crops all across the country. Apart from agriculture, which accounts for 64 percent of all Labour in India, bonded child labourers form a significant part of the work force in a multitude of domestic and export industries. These include, but are not limited to, the production of silk and silk saris, beedi (hand-rolled cigarettes), silver jewellery, synthetic gemstones, leather products (including footwear and sporting goods), hand-woven wool carpets, and precious gemstones and diamonds. Services where bonded child labour is prevalent include prostitution, small restaurants, truck stops and tea shop services, and domestic servitude.

The practice of child debt servitude has been illegal in India since 1933, when the Children (Pledging of Labour) Act was enacted under British rule. Since independence, a plethora of additional protective legislation has been put in place. There are distinct laws governing child labour in factories, in commercial establishments, on plantations, and in apprenticeships. There are laws governing the use of migrant labour and contract labour. A relatively recent law-the Child Labour (Prohibition and Regulation) Act of 1986-designates a

child as "a person who has not completed their fourteenth year of age." It purports to regulate the hours and conditions of some child workers and to prohibit the use of child labour in certain enumerated hazardous industries. (There is no blanket prohibition on the use of child labour, nor any universal minimum age set for child workers.) Most important of all, for children in servitude, is the Bonded Labour System (Abolition) Act, 1976 which strictly outlaws all forms of debt bondage and forced labour. These extensive legal safeguards mean little, however, without the political will to implement them. In India, this will is sorely lacking. All of the labour laws are routinely flouted, and with virtually no risk of punishment to the offender. Whether due to corruption or indifference-and both are much in evidence-these laws are simply not enforced. In those rare cases where offenders are prosecuted, sentences are limited to negligible fines.

Why does India-the Indian government, the ruling elite, the business interests, the populace as a whole-tolerate this slavery in its midst? According to a vast and deeply entrenched set of myths, bonded labour and child labour in India are inevitable. They are caused by poverty. They represent the natural order of things, and it is not possible to change them by force; they must evolve slowly toward eradication.

In truth, the Indian government has failed to protect its most vulnerable children. When others have stepped in to try to fill the vacuum and advocate on behalf of those children, India's leaders and much of its media have attributed nearly all "outside" attempts at

action to an ulterior commercial motive. The developed world is not concerned with Indian children, this view holds, but rather with maintaining a competitive lead in the global marketplace. Holding to this defensive stance, some officials have threatened to end all foreign funding of child labour-related projects.

This nationalist rhetoric has been largely a diversionary tactic. What the government has hoped to hide is the news that, no matter how the data are analyzed, official efforts to end the exploitation of child labourers are woefully deficient. Former Prime Minister P. V. Narasimha Rao, for example, made much of his initiative, announced in 1994, to bring two million children out of hazardous employment by the year 2000. Two million represents only 1.7 to 3.3 percent of the nation's child labourers; the fate of the other 58 to 113 million children was not addressed. In a welcome move, the United Front government, elected in May 1996, has promised to eradicate child labour in all occupations and industries, and has stated that the right to free compulsory elementary education should be made a fundamental right and enforced through suitable statutory measures. It remains to be seen what measures the government will take to fulfil these promises.

By focusing primarily on child labour in export industries and the threat of sanctions on exports, the international community has sent the unfortunate message that only child labour or in export industries must be addressed. In response, the Indian government has accused its international critics of protectionism and has adopted superficial remedies designed to assuage their concerns while continuing to ignore its legal obligation to identify, release and rehabilitate bonded labourers.

Multilateral lending institutions have failed in their obligations as well. By neglecting to ensure that the projects they fund do not involve the use of bonded child labour, they have exacerbated the problem of bonded child labour. These institutions, and their funders should take every measure to ensure that aid does not result in child slavery.

This report, based on two months of field investigations, reveals only a glimpse of the vast suffering caused by the bonded labour system. This glimpse alone, however, is proof enough that it is time for India's new government to accept responsibility for the slavery in its midst, to admit that it is not inevitable, and to end it. India is the world's largest democracy, a nuclear power, the world's second most populous country, and, although a poor nation, one of the six largest economies of the world. It is possible to end child servitude. The only thing lacking is will.

Approximately fifteen million children work as bonded labourers in India. Most were put into bondage in exchange for comparatively small sums of money: two thousand rupees-equal to about thirty-five U.S. dollars-is the average amount "loaned" in exchange for a child's labor. To India's vast numbers of extremely poor, however, this money can be, literally, a life-saver. With scant alternative sources of

credit available-few rural banks, cooperative credit schemes or government loans-the poor are forced to turn to the local moneylender, who extracts the only collateral available: the promise of their labour or the labour of their children.

Two players create the debt bondage arrangement: the creditor-employer, who offers money to an impoverished parent in an attempt to secure the extremely cheap and captive labour of his or her child, and the parent who accepts this money, agreeing to offer the child's labour as surety for the debt. The child is a commodity of exchange. She or he is powerless to affect the agreement or its terms and-whether willing or unwilling to serve the bond master-powerless to refuse.

The arrangements between parents and contracting agents are usually informal and unwritten. The number of years required to pay off such a loan is indeterminate. Many of the children interviewed by Human Rights Watch had already been working for several years, and even among those relatively new to their jobs, none said that they expected to be released prior to maturity. Some intended to walk away from their bondage when they married, leaving a younger sibling to take over the labor-payment or a parent to somehow extinguish the debt-perhaps by a new loan from a different creditor-employer.

In many industries marked by the use of debt bondage, the child's labour does not function to pay off the original loan at all.

Instead, the child's labour serves as both interest on the loan-for the children are paid only a fraction of what their labour would bring them on the open market-and as a surety for the loan's repayment. The original amount loaned to the parent must be repaid in full in a single instalment; only then will the child be released from servitude.

The making of beedi cigarettes is one such industry. The average number of beedies a bonded child labourer rolls in a day is 1,500, for an average daily wage of nine rupees. Were the value of the child's labour to be counted as gradual payment of the money advanced-and were it calculated honestly, at the official minimum wage established for beedi rolling (30.9 rupees per thousand beedies)-the agent-employer would recoup in labour value the original debt in about six weeks. But the beedi worker's debt is not set off against the value of the labour, and the labour's value is not compensated honestly. If it were, the child would be earning forty to fifty rupees a day instead of nine, and would be able to save enough to quickly fulfil the lump-sum payment requirement of the original advance. As it is, this requirement, together with the abysmally low "wages" paid, virtually ensure that the bonded child will not escape servitude. Most children work many years for their agents, for which the agents, and particularly the owners of the beedi companies, profit handsomely. It is, simply, a severe form of economic exploitation.

Industries that do allow for gradual repayment of the original debt do not provide an easier escape from bondage. First, employers may increase the principal of the loan by adding on to it miscellaneous costs and expenses-the cost of materials, the loss of "defective" goods, meals given to the children, or medical care, on the rare occasions that it is provided. Second, the low wages paid may spur the child's parent to seek an additional loan from the employer. Finally, and most significantly, the value of the child's labour as against the loan is decided by the employer. The bonded children and their parents have virtually no bargaining power with the bond master, with the result that interest rates of 1,200 percent a year, taken out in labour value, are not uncommon.

Regardless of which of these debt structures the child labours under, the end result is the same: it is very difficult to escape bondage. The underlying reason for this difficulty is the grossly unequal power relationships between the child workers and their parents on the one hand and the creditors-cum-employers on the others. The former are frequently low caste, illiterate, and extremely poor. The latter are usually higher caste, literate, comparatively wealthy, and powerful members of the community. Often, these creditors-employers are the only money lenders in town, and as such are extremely influential. They are also frequently connected, by caste and by the social and political hierarchy of the community, with local officials, including police officers, factory inspectors, and other local authorities who might normally be expected to safeguard the rights of children.

Although the exact circumstances of work vary from industry to industry, the hours tend to be long, the pay nominal, and the

conditions abysmal. In some industries, children work twelve or more hours a day, seven days a week, receiving only two holidays a year. During their first few years of work they may receive no wages at all, or infrequent pocket change known as "incentives." They are required to work constantly and at a rapid pace; if they work slowly, talk to another child, or make a mistake in their work they will be severely scolded and possibly beaten by their employer, and pay may be deducted from their wages.

Work conditions are dangerous to the health of the child. In the beedi industry, the long hours spent hunched over the basket of tobacco causes growth deformities, and the constant proximity to tobacco dust causes and exacerbates lung diseases; there is a very high rate of tuberculosis in communities dedicated to the manufacture of beedi. In carpet weaving the occupational diseases are similar: the children sit in a cramped space all day long, inhaling wool fibers and dust. As a result, the carpet weavers are prone to emphysema and tuberculosis; they also suffer frequent cuts to their hands and fingers, which may be "cured" by cauterizing them with burning sulphur. Silk workers face similar long and short-term hazards.

The silver workers suffer frequent burns on their hands and arms, the leather workers exposed to toxic chemicals long banned in developed countries, and the gemstone polishers are subject to both cuts and toxic contamination. All of these workers, given their cramped and unsanitary work places, suffer a high risk of contracting tuberculosis and other diseases of poverty.

Three of the industries studied in this report-carpet weaving, beedi rolling, and cloth (silk) weaving-have been classified as "hazardous" under India's Child Labour (Prohibition and Regulation) Act of 1986. Employment of children under fourteen years of age is illegal in these industries. Despite this prohibition, children continue to form the backbone of all three industries, which together employ approximately 850,000 children. Not only has the government failed to enforce this protective legislation, but the government itself is guilty of violating it-the central government's Handloom and Handicrafts Export Corporation runs approximately two hundred "training centres" for child labourers in the carpet industry.

Thus, the problem of child labour, need urgent redress al. Government policy should insure that no child below the age of 14-15 years is deprived pf a decent education and a decent standard of living.

1.2 Objectives of the Study

The main objectives of this study as follows:

- i. To investigate the factors that are affecting both the demand for child labour and the supply of the child labour in India.
- ii. To analyse the characteristics of the child labour and also assess the socio-economic status of child labour in the society.

- iii. To study various aspects of the working and employment conditions of child labour.
- iv. To investigate the reasons for illiteracy of early drop out from school amongst child labour.
- v. To suggest measures to minimise and eliminate the evil of child labour.

1.3 Hypotheses of the Study

An attempt has been made to test the following hypotheses:-

- i. Child labour has lower socia-economic status in the family and also as compared to the female child and exploitation of child labour is significant at their place of work.
- ii. Child labour is employed mostly in those industries where they acquire specialised training and proportion of female children working independently (wage earner) is insignificant.
- iii. There is no significant difference between wages earned by child labour and their counterparts and low wages are not responsible for increasing demand of child.
- iv. Child does not work to supplement the inadequate income of the family and poverty and other social factors have no significant pressure on supply of child labour.

1.4 Limitations of the Study

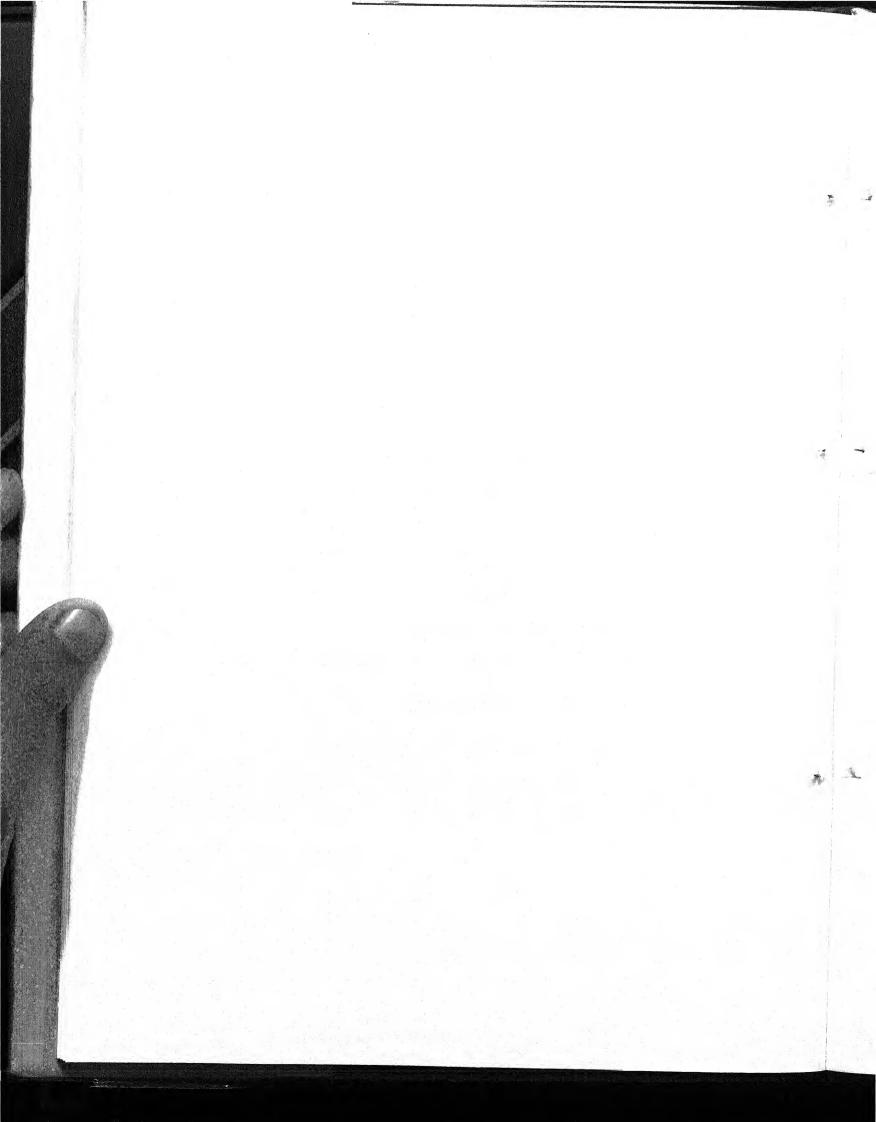
No doubt the child labour is prevalent in good number in the urban areas of the Indian Industries. However, the present study is a micro-study confined to urban areas of the region. The data was primary in nature and attempts were made to select representative samples so that one could get a true picture of the problems of the female employed children. The collection of data was spread over a period of two years and each representative was interviewed personally. Considering the limited available infrastructure, time and financial constraint it was not possible to study each and every centre employing the child labour. Further, the analyses were bases on social aspects and economic aspect of the problem under the study. Various other aspect viz. political, anthropological, environment, etc. were ignored because of limited available infrastructure, financial constraints and time.



CHAPTER 2

2. CONCEPTUAL FRAMEWORK AND METHODOLOGY.

- 2.1 Introduction
- 2.2 Concepts
- 2.3 Methodology
 - 2.3.1 Universe of the Study
 - 2.3.2 Sampling
 - 2.3.3 Toll and Techniques



Conceptual Framework and Methodology

2.1 Introduction

Children entered the market for wage-labour after the industrial revolution, creating employment opportunities for children and women, but these children occupied secondary place in the labour work force. Their significance was considered marginal and constituted the reserve labour force. They entered the labour market when the economic necessity forced them to supplement the meager family earnings. This concept to work as a supplementing or balancing force in the family and the nations work force has made them susceptible to all sorts of discriminatory treatment and exploitation in the field of employment., These females child labor generally work in the informal sector. This sector is characterized by the presence of factors viz., long hours of work, wage discrimination of male and female child labour, lack of job security, lack of comprehensive legislation cover, no limit for minimum wages, lack of minimum facilities at work' place, ill treatment, heavy physical al work and sexual exploitation. Although the jobs in this sector offer no attraction and are exposed to physical ordeal, large number of female child laborers continues to seek employment in this sector because of irregular nature of employment, lack of skills, easy entry and exit, ignorance and illiteracy.

There maybe many arguments and counter arguments regarding the use of sex typing for the present study. Further there are significant differences between the situation of the working girl and that of the working boy in unorganized industry. These differences further manifest in various ways like attitude of parents towards girl and boy child, value given to education, sex typing of work, etc.

A broad definition of child labour has been adopted, it treated all those girls between 0-14 years, as female child labour, who sell their labour either in cash or kind or engage themselves into some activity which saves labour of their parents which they can in turn invest somewhere else, so as to earn livelihood.

The present study analyses, how the male child labour may be pushed out of work and be motivated to join school; where the demand for female child labour comes from and which are the major sources of their demand. This would reveal which are the main occupations and industries demanding child labour particularly. Is this created demand for child labour because they demand less wages? Thus susceptible to be exploited more.

This supply aspect of child labour is also important. It would reveal the vital points viz. which are the families pushing their children for work, while their right place at that age is

school. What are the circumstances forcing them to work? How much they contribute to their family? To which social group they belong? What is the role of major factors constituting their supply? For example large family, abject poverty, low wages of adult laborers, their expenditure on various vices, poor implementation of laws restricting child labour, uninteresting education at school, unfavorable family and neighborhood environments, etc. These are some of the important aspects. which have been studied.

In this study, besides the demand and supply aspects of child labour, due consideration has been given to their working conditions, their wage structure and employment patterns. They have also been compared with their male counterparts so as to objectively observe the level of exploitation and discrimination. Apart from dealing with these vital questions, it has been analyzed why there are higher number of children drop out from school and how that can be minimized. The analyses of all these points shall be of great practical value for the social scientists, social workers, reformers, planners and policy makers addition to the research scholars engaged in the research work on the related topics.

2.2.1 Definition of Child Labour

Conceptually, there has not been much controversy regarding the definition of child labour. Wherever child works for

want of cash or kind, he is called child labour, this concept is uniformly accepted' everywhere. Yet there is difference of opinion as who should be treated as 'child' in the labour revolves around this center-point.

As stated above, there has not been an agreement on the cutoff age of a child from adults. Even in a one country, different age spans are teamed as childhood. According to child labour (Abolition and Regulation) Act 1986, the term "Child" has been defined to mean a person who has not completed his fourteenth year of age, Contrary to it mines Act 1973 defines child labour as a person below the age 15 years. The Indian Constitution lays down that "no child below the age 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment. It is thus clear that the constitution of India recognizes the age of 14 years as the Cut-off age. V. V. Giri did not agree with this age and advocated the age up-to 16 years should be treated as the age of childhood.

The factories Act of 1948 recognized the age of childhood upto 14 years and the age of adolescent between 14 to 18 years. Under Plantation Labour Act 1951, children below 12 years are prohibited to work. The Bombay shops and Establishment Act 1948 recognized the age of child labour as below 15 years. The Anti-Beggary Acts of various states define children as persons below the age of 12 to 15 years.

In fact the child labour cannot be functionally defined on the basis of age alone. Further, working children should be distinguished from child labour. If some children work only for a very limited time and earn something for their own development or save money by putting only very little physical or mental exertion for which the family would have to pay otherwise or work at home or else where along with family adults for limited time and with little exertion; they may be called working children and not child laborers. If one child helps his parents in milking cattle before going to school, it is an example of working child, which is different from child labour.

The term working child and "child labour" are often used synonymously. However, the former is quite descriptive and less precise in its meaning than the latter. Every child labourer is first child with all the needs like other children. The child needs the opportunities not only for physical growth but also for mental and experience of "childhood", wherever the business of wage earning of participation in family vocation conflicts directly or indirectly with the normal growth and education of child, the result is "Child Labour".

A child worker is a person in the age group of 5-14, employed for hire or reward on a full time or part time basis. or self-employed, or assisting his/her parents in their occupation for 2 or more hours a day.

According to the international Labour Organization "Child Labour includes children prematurely leading adults lives; working long hours for low wages under conditions damaging to their health and their mental development, sometimes reported from their health and their mental development, sometimes repeated from their families, frequently deprived of meaningful educational and training opportunities that could open up for them a better future."

This comprehensive definition very clearly pinpoints the evil effects of the problem. If specifies the social, economic, psychological and emotional elements involved. It also emphasizes the scope of educational and training opportunities in the life of an individual. In this unique context, the role of worker education in the child labour has to be analysed.

However Folks, the chairman of the United States National Child Labour Committee defines child labour as any work by children that interferes with their full physical development, their opportunities for a desirable minimum of education or their needed recreation."

Age is also regarded as an important criterion for distinguishing child labour from adult labour considering the wide variations, in the different definitions of child labour and in the absence of a commonly accepted definition. The following characteristics may be considered as the distinguishing marks

of child labor whether it is within the family or outside the family, paid or unpaid.

Employing of children of tender age (children who have not been completed the age of 14 years.)" Exploitation of children adversely effecting their physical, mental, emotional and social development.

Deprivation of the right of the children to health, education and a happy childhood.

Work by children in the family would be considered child labour' if family labour interferes with the child's education, recreation or physical, mental or moral health.

A functional definition of child labour thus is given in these very terms. The encyclopedia of social-sciences has also attempted to define child labor in these terms. According to it "when the business of wage earning or an participation self of family support conflict directly or indirectly with the business or growth and education, the result is child labour. The function of work in childhood is primarily developmental and not economic.

K.K. Khatu, A.K. Tomang and C.R. Rao have also defined the child labour on similar lines. According to them the term child labour generally refers to an employment of a child in a gainful occupation with a view to supplement labour income of its family.

Looking all the aforesaid discussion on a suitable definition of child labour, following characteristics do emerge quite clearly:

- 1. A cut off age is to be specified below which a labour setting person can be treated as child labour.
- 2. A child may be called a "child labour" if he works primarily for supplementing his family's livelihood.
- 3. The time and energy spent by the child labour is so exhaustive that it hinders with his healthy physical and mental development.
- 4. In the process of supplementing the income of the family, a child has to loose his potential Career prospects and sometime he is deprived of entertainment, pleasure and leisure opportunities, which are due to him at of his age.

On this basis of afore said points a suitable definition of child labour may be given as flows:

"The term child labour may be referred to an employment of a person below adulthood age in some gainful activity. supplementing his family income out at the sometime rendering sufficient enough burden on a child labour inhibiting his mental and physical development as well as bleaking his carrier prospects,"

This is thus clear that if a child works in such an occupation that his overall development is not affected adversely then he may not be included in the category of child labour. This is of burden some enough to put drag' on his career prospects. Hence child involved in them may not be categorized as child labour. Mostly children inherit skills from their parents and they enjoy doing work with their parents. Thus, involvement is such jobs may not be strenuous to them of course, the same amount of work may be burdensome for other, with their parents they may be arranging their working hours and working children with parents in so many cases are not child labour in real sense of term,

This very reason has been responsible for the difference in age in various acts and statues regarding child labour, if one act declares child labour below 12 years then the other stretches it even up to 18. There is difference *for* the female and made child labour also, this is because working in one occupation up to certain age may not be hazardous while in other that is quite likely, likewise in certain occupation It may not be hazardous *for* a male child to work below certain age, while for female child it is just possible.

There may be difference of age for child labour in the different phases of development also, in traditional society where there are only fees carrier prospects, cut off age for categorisation of child labour maybe lower than the advanced societies. In advanced societies children need nursing, learning, and training for longer time span, thus the cut off age between child labour and adult labour in those countries is higher, this can be witnessed in various enactment of different times as the age for child. Labour has been progressively raised with the stages of development .In essence, it maybe safety claimed that the concept of child labour is closely associated with the maximum utilization of this lifetime potential. This is therefore clear that if society gives protection to the child, that is not without, obligation, as the same makes child capable enough to make him to pay back the society much more than what he could have paid otherwise.

2.2.2 Demographic Profile

The high incidence of child labour in India is not only shocking but also represents improper use of potential human resources. The resources instead of being improved through education, vocational and technical training are thoroughly wasted and used unproductively.

No recent survey report or census on child labour is available to reveal precisely the extent of child labour. Hence

we only have rough estimates. According to the 1981 census there were 263 million children aged 14 years or below in India. Approximately 13.6 million were classified as child labourers of which 11.2 million were classified as main workers and 2.4 million as marginal workers.

This figure rose to 17.58 million according to the estimate of the 43rd round of the National Sample Survey conducted in 1987-88. It is estimated that by 2010 A.D. the figure will be approximately 25.65 million. Though these general data are indicative of child labour it must be noted that, according to census 1981 it was 13.6 million, NSS for 1983 estimated it as 17.36 million and Operation Research Group (a private organization in Baroda) in 1985 has projected it as 44 million. The reason for these differences is, census counts workers as only those children who are engaged in productive work. On the other hand the Operation Research Group, child labour includes all children who are engaged in productive work, whether paid or unpaid, at any time of the day, within or outside the family.

International Organizations project the situation in India even graver. The South Asian Coalition Child Servitude claims that there are 5.5 crores child labour which is similar to the estimates of the International Labour Organization (ILO) UNESCO. According to United Nations Commission on Human Rights this figure is around 6.0 crores which is nearly 25

percent of the total population of many countries. According to Financial Express (Jan. 19, 1990), 78.7 per cent of total population of child labour are engaged in cultivation and agriculture sectors 8.2 per cent are in livestock, forestry, fishing, manufacturing and processing job. 6 percent are in household and other industries. 1.1 per cent in trade transport and commerce and around 6 per cent in others.

Child labour is found in both rural and urban areas, in both organized and unorganized sectors. The demand for child labour is abundant in the labour market. Agriculture and allied activities such as livestock, forestry, fisheries, plantations, and etc. account for 85 percent of the total child labour. Manufacturing processing, servicing, etc. account for 8.64 percent and mining, quarrying, trade, commerce, construction are 6.4 percent approximately as projected in census 1981.

There is a wide spread disparity in the prevalence of child labour amongst states. Andhra Pradesh has the largest number of child labour (1.95 million) while Bihar (1.1 million), Karnataka (1.13 million), Madhya Pradesh (M.P.). (1.7 million), Maharashtra (1.56 million), Uttar Pradesh (U.P.) (1.43 million) has substantial number of children employed. Out of all, girls account for 33.57 percent of child labour in the country.

2.2.3 Classification

The child labour can be classified in number of ways. The classification done by social scientist is generally based on different categories for different purposes.

SEX: On the basis of sex the child labour can be classified into two categories:

- Female Child Labour: The female child labour is 1. present in good number 'and prevalent all over. The female child labourers mainly work as household workers, construction workers and along with parents at home. These girls start working at an early age as compared to male child labour. The female child labour works under works socioeconomic conditions because of preference and dominance. Whether urban or rural, female child labour is paid low wages. This often does not lead to skill learning and acquiring technical know how.
- 2. Male Child Labour: The male child labour is in greater number as compared to female child labour they work generally in these industries, where they gather & learn technical know how and can improve their earnings subsequently. They generally work as non-domestic workers and have access to good wages with better

socio-economic status. They even start their own business whenever they get opportunity, after having learnt the technical knowledge.

GEOGRAPHICAL: Depending upon the geography, the child labour can be categorized into two types:

- 1. Rural Child Labour: Children working in rural areas are known as rural child labor. These children generally work with their families and assist their parents in subsidiary activities. The parents generally take the wages of these children away. If not in agriculture, the rural child labor prevails in small scale and cottage industries like Carpet, Weaving, Handloom, etc. State wise variations in the occupational profile exists depending on the availability of raw material, skill and demand viz., cocoon rearing in J&K, cashew nut processing in Kerala and glass in U.P.
- 2. Urban Child Labour: Children working in urban areas are known as urban child labour. The urban child labour work independently and are basically wage earners substituting the family income. Their socio-economic status is better than the rural child labour. The main centers employing these children are shoe industry, domestic workers, eateries and dhabas. Take for example the situation prevailing in

Delhi. One-lakh children are working as domestic servants, 40,000 children as porters and labourers, 30,000 as shop assistants and 30,000 in dhabas. The number of child rag pickers, newspaper seller and others are 1,80,000. To sum up 4 lakhs children in Delhi are working i.e. 18 percent of Delhi's total population. The labour in urban sector is distinguished as formal or organized and informal or unorganized depending on the sector of their work.

MIGRATED AND LOCAL RESIDENT CHILD LABOUR:

The children who belong to place of work are local resident, where as the child labour who move from their native place to some where else for work,' are migrated. Generally the migrated children are from near by village or town. If coming from distant places they migrate as a whole family. A study conducted by UNICEF reveals that every sixth child in Delhi works for his or her living and two third of them are migrants.

TRAINED, UNDER TRAINING AND UNTRAINED CHILD LABOUR:

These three categories of child labour are classified on the basis of training (Formal or Informal) received or not received. The trained child labour is the one who has received some training for the particular work. This type of child labour is present in auto repair, carpet weaving, leather industry, etc. These industries do have apprentice child labour, which are learning while earning. The untrained child labour is present generally as domestic worker, construction labourers, engaged in agriculture and mainly are girls.

CASUAL, REGULAR AND SEASONAL CHILD LABOUR:

On the nature of employment the child labour is of three types mainly:

- (i) Casual Workers: These children work only casually i.e. whenever they get opportunity and work for that particular time.
- (ii) The Regular Workers: These are the ones working regularly for fixed number of hours throughout the year.
- (iii) Seasonal Workers: Children working only in a particular season.

They are generally found in rural areas and in agriculture, plantation sectors, etc. Here they work with families at the time of harvest, sowing, weeding and plucking.

GENERAL: Under general classification following types of child labour can be categorized:

- (i) Domestic Child Labour: In this category almost all children work at home. They may be working only for family help or relieving adults for other paid jobs. Here the girls contribute the maximum. They are at times even exploited and denied childhood rights. Study in rural Indonesia suggests that girls between 10-12 years do 22 hours and between 7-9 years of age do 1 ~ hours per week of domestic work.22 No monetary domestic work is a sub-category, which includes those familial works like. Milking cattle. processing food stuffs or working in commercial activities. In this category, the activities consume lot of energy and time of the child, which if calculated in monetary terms saves payment of employing an outsider.
- (ii) Non- Domestic Child Labour: Here the child works out of the house and receives payment for the same as wages in kind or cash or both.
- (iii) Bonded Child Labour: The children who work for employers, landlords and money lenders as bonded labour in order to payoff debts taken by their parents or grand parents are known as bounded child labor. These children are not paid wages, which is kept in lieu, as a loan payoff. The system of bonded labour is there from a very long time and is prevalent till date. A case reported from Nandsaur district, where a 7 years old child was not paid and

his wages were being adjusted for a loan of Rs. 8000. In fact, the employer even ill treated and exploited this child.

(iv) Independent Wage Child Labour: The children work out of their houses in order to only earn wages. These children work independently and supplement the family income. Such children are mostly found in urban areas where they work as household servants, do some menial work either in organized or unorganized sector.24 These children who earn substantial or moderate amount can be put into 5 sub-categories:

Children working on piece rate basis.

Children working on share crop basis.

Children working as time rate basis. .

Regular worker.

Apprentice workers.

(v) Marginal Economic Activities: These children are generally unaccounted for as labourers. This is because they are engaged in marginal economic activities, included in the so-called informal sector.

The main characteristics of these activities are:

- a. Casual Income.
- b. Unproductive nature.
- c. Low wages.
- d. Non-accumulating.

(vi) Entrepreneurial Child Labour: This is also one important category of child labour under which child works as an entrepreneur of commission agent. Their work is of menial type attracting meager therefore Thev are not entrepreneur or trader or commission agent. This type of child labour is found in a large number. One may find such labour in occupations such as vendors, paper bag making, button packing, beads threading, etc. In these occupations the child acts like a trader. If he is a newspaper vendor, he is given newspapers to sellon commission basis. More he sells more he gets. Similarly in paper bag making, he brings the bag making material on credit and sells them after making to his creditor or someone else. Thus in the technical sense he is an entrepreneur, a trader of commission agent. But practically he is included in the category of child labour.

2.2.4 Main centers where child labour is most prevalent.

The following are some of the main centers and professions where children are employed in a very large number.

I. Child Labour in Agriculture :: This is the sector, which provides employment to the highest number

of child labour. About 5 crores children work in the farms. In agriculture sector the condition of child labour is not that miserable as in the non-farms sector. Here children get employment only during harvest season. Children of both sexes seek employment in form sector. Female child labour also works at home and farms with her mother who works as women labour. This type of child labour is found everywhere in the country may it be North, South, East or West.

- II. Child Labour in Plantation: Child labour is employed in a very large number in plantation industry mainly tea and coffee. In plantation industry children start working at very early are with meager wages. In Doar's of Bengal, Darjeeling and upper Assam areas, large number of children works as child labour mostly in tea plantation. Their numbers is as high as 50,000.26 'According to an another estimate their number is more than 1.25 lakh in tea estates only.27 Plucking tea leaves is the main occupation that absorbs the maximum work days in plantation industry. Both sex of children are employees in a large number in this industry.
- III. Child Labour in Mining and Quarrying: Although various legislation prohibits the employment of children in mines and quarrying activities, yet a good number of children are engaged illegally in

- these activities. They are prevalent in mica and coal mines of Bihar, limestone quarries of Rajasthan and various mines of Orissa and Tamil Nadu.
- IV. Child Labour in Construction Industry: Child labour is employed in a good numbers in construction industry all over the country. But labour of Madhya Pradesh, Rajasthan and Bihar are much forward in this aspect. A large number of labour migrates from other states along with their family and see employment elsewhere. Their whole family is employed including their children. Female child labour is significantly seen employed in this industry.
- V. Child Labour in Carpet Industry: Carpet industry attracts employment of children in very large number. In weaving, children are more efficient than adults. They are thus employed in millions. In Jammu & Kashmir alone about 80,000 children are employed in carpet industry and ninety percent of them are bonded labour. Bhadohi near Varanasi is the big center for carpet weaving. In this town nearly one lakh children are engaged in carpet weafing. Meerut, Agra (U.P.), Jaipur, Bikaner (Rajasthan) are the other main centers for carpet weaving, attracting child labour.
- VI. Child Labour as Home" Servants: Children of both sexes are employed in millions as home servants

mainly in urban areas. Here they are paid wages in cash and/or in kind. Children as home servants are not exposed to much hazardous health conditions, though they maybe badly or inhumanly treated by their masters. A large number of migrant child labours works in metropolis. According to an estimate, out of every for child workers, at least one works as domestic servant either part time of full time29. Due to short supply of children in this occupation many of them are treated quite well. They get food, shelter and enough time for recreation and entertainment. The part time servants pursue their studies and some carry out vocational training also. At most of the places girls are preferred as domestic servants.

VII. Eateries, Tea Shops and General Shops: This is another area where children are in a very large number. Their number will be certainly in millions. In Bombay alone more than half lakh of children are employed in more than 12000 eateries. Besides it there are thousands of shops and other similar establishments where children are in substantial number. Nearly 75 percent of these children are migrants from other states. Children working on shops are comparatively of lower age (even below ten years.). Most of them live at their work premises

- and are offered food by their employer. This food is neither sufficient not nutritious.
- VIII. Child Labour in Auto-Repair Work Shops: A large number of children work in auto workshops all offer the country. Here in this profession they are not much exposed to health hazards and also get in informal training of auto-mechanic. Many of these children later on run their own workshops too. Number of such children is estimated to be In lakhs. But this field is generally occupied by the male child labourers. At least five percent of child labor in Delhi is employed in Auto workshops.
- IX. Child Labour in Glass Industry: Child labour works in good number in glass industry of Firozabad. This industry has earned a bad name for itself for employing child labour, which are exposed to most serious health hazards. According to an estimate there are nearly 1200 glass units in Firozobad (0 district in Western U.P.) employing nearly 20,000 child labor. Oxidation during the joining process produces lead oxide which poses a serious health hazard to the children. Besides it blowing of the spirit lamp flame and inhalation of gases produced during the whole process causes many chronic lung diseases like Tuberculosis, Bronchitis, etc.
- X. Child Labour as Porter in Transport and Other Industries: Child labour are employed in a large

number as porters mainly in transport industry. These children work under very miserable conditions. Large section of them goes on trucks from one part of the country to the other for .days together. After long travel when truck arrives at its destination, they have to load or unload the trucks while truck driver takes rest. These children have to keep their truck drivers happy in order to remain employed for which they are subjected to many kind of harassment including sexual.

- XI. Child Labour in Handloom Industry: Besides carpet industry, children work in a large number in handloom weaving industry spread in various parts of the country from Jammu & Kashmir in the North, to Tamil Nadu down South. Some important weaving centers are Srinagear (shawl and woolen cloth industry), Sardhana (Meerut), Varanasi, Mazaffarpur, Komarapa-layam (T.N.), etc. More than two and half lakhs children are employed in this industry and in these main centers alone.
- XII. Brassware Industry of Moradabad: Brassware industry of Moradabad is. also defamed for employment of children under miserable working conditions. Their number ranges from 35 to 40 thousands. These children including girls in age group of 4 to 14 years are engaged in hazardous works. They are engaged in metal moulding.

chiseling, polishing and other manufacturing related activities. Children in this industry work during day as well as night due to power breakdowns. Children also do risky jobs like working with acids, blowing pipes of furnace, etc.32 XIII. Child Labour in Bidi Industry: Child labor is employed in good number in this industry also. Here very small children from four to eight years of age also seek employment. They are engaged in cutting the bidi leaves and rolling them. This industry is not only prominent in Madhya Pradesh, Karnataka, and U.P. but also significantly exists in Maharashtra, Tamil Nadu and Bengal.

- XIV. Fire Works and Match Industry: Fireworks and match making is another industry / which has earned notoriety for employing children under hazardous conditions. The firework and match industry in Sivakasi is prominent for employing child labour. There are more than 8,000 match units in this town where more than 80,000 children are employed. 90 per cent of them are girls. These children literally play with fire every minute. They have to work 10-12 hours for just Rs.5-7 Per day. They inhale toxic fumes and suffer from intense head.
- XV. Stone Cutting Industry: Stone cutting industry of Kerala, Markapur (A.P) and Mandsaur (M.P) has

- also child labour in good number. Here children do a very tough job of cutting stones. They inhale dust and fine particles. Their number exceeds 20,000.
- XVI. Lock Industry: Lock Industry of Aligarh employees more than 15,000 child labour that have to- work hard for more than 10-12 hours per day. Many of them are girls.
- XVII. Fisheries: This industry is spread over whole coastal area. More than 10 lakhs children of both the sex are employed in this industry. They work mostly at night.
- XVIII. Child Labour as Peddlers: A good number of child labour are employed as vendors or hawkers in streets, stations, bus stands or tourist centers. They work for long hours on meager commission or small payments. They are harassment by the police, railway, roadways and other official authorities. Many times they are forced to do some criminal activities like theft, pick pocketing, drug trafficking, etc.
- XIX. Needle Workers: The girls because of their numble fingers are generally preferred in this industry. Here they do embroidery, button stitching, crochet, beads threading, etc.
- XX. Child Labour in Other Jobs: There is no end to the list of jobs that are performed by child labour. They are somehow engaged in thousands of odd jobs

where their family members are employed. Almost all the families suffering from abject poverty ~ motivate their children to work than to study. They thus work either with their parents out of the house or work at home in absence of parent to assist them. Many of them are sweepers, shoe-repairers or shiners, painters, rag pickers, gardeners, washers, entertainers, tailors, water carriers, etc.

The socio-economic study has main tow aspects, Sociological and economic aspect of the female child labour.

2.2.5 Sociological Aspect

In India no family is considered complete without male child. Girls are not considered children. The problem of female child labor has been seen in light of male preference, traditional attitudes, urbanization, industrialization, migration, lack of school and to top it all parents' reluctance to send their female children to school. However one of the main causes is extreme poverty.

2.2.5 Economic Aspect of female child labour mainly has four factors.

- (i) Demand for female child labour.
- (ii) Supply of female child labour.
- (iii) Terms and conditions of employment.

(iv) Working conditions assessment with respect to female child labour.

(I) Demand For Female Child Labour

The demand for female child labour is caused by following factors:

- Female children accept lower wages as compared to their male counterparts.
- 2. In some occupations only girls are more suited and prove themselves to be efficient.
- 3. Girls are more suited in particular jobs where training is required, which these girls grasp quickly.
- 4. For some particular jobs male child labour is not available or may be available with great difficulty.
- 5. Parents force employers to employ their wards.
- 6. Employers prefer girls because they are more docile, disciplined and obedient.
- 7. Some employers make them feel that by employing them early they will make their future bright.
- 8. There are some, jobs which male child labour may refuse to do.
- Many employers prefer female child labourers as they are not aware of legal protection and are neither associated with trade unions. Female child

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labour can be engaged for more hours as per requirements.

The above factors are neither comprehensive nor uncontroversial. They give good idea of the reasons due to which female child labour is abundantly in derland in certain industries.

(II) Supply Of Female Child Labour

Like demand for female working children their supply is also affected by various factors in the labour market.

- 1. There is insufficient income in the family.
- 2. They may be very poor.
- 3. Parents pressurize the girls to work, as work is their fate of life.
- 4. There may be bad addictions in the family.
- 5. There may be death in the family and thus the child is put into the labour for earning livelihood.
- 6. There may have been some natural calamity which might have led to migration. Children of such families s are compelled to work.
- 7. Some girls have to work to redeem family debt or debt taken by themselves.

- 8. Some parents believe that it is better to make the girl child work than to study, since studies will not pay her in future.
- Some girls don't want to study and themselves want to work.
- 10. Due to social security reasons some parents take their girls along with them for work.

(III) Terms and Conditions of Employment

Terms and conditions of employment are also very important in context of studying economics of working child and particularly that of female.

In bulk of cases of female child labour the child labour is supplied by the parents only and the terms and conditions of employment are settled between the parents and the employer on behalf of the child. If the child is seeking employment directly the terms, are settled between the employer and, the child directly.

The terms and conditions of employment generally, include, paid holidays medical treatment, wages, deductions of, wages, nature of work, etc. The most important term of employment is regarding their wages, how much wages are to be paid, to whom payment will be done and basis of determination of wages.

The other main criteria which are generally considered, the age, efficiency, health and hygiene, source of supply, nature of work, sex suitability, etc.

II) Working Conditions

The assessment of working conditions of female child labour are also important in order to have full knowledge of economics of employment. The working conditions imply the duration of working hours, nature of work, term sand conditions of payment, and overtime payment. The working conditions also include the physical environment and surroundings at place of work. One has to observe factors like sufficient lift, ventilation, pure water, pollution and cleanliness. Temperature and humidity are also important factors to be considered, In case of female child labour special observation is made with respect to separate toilet activities and security at place of work.

With all these factors throwing light on the social and economics of female child labor has prompted me to undertake this study. This study is a genuine work and endeavour to bring problems of girls working in different industries to a sharp focus.

2.3. METHODOLOGY

2.3.1 Universe of the Study:

The child labour in India is not so homogeneous so is the community. There is a lot of difference between male and female child labour. As far as the social status is concerned, there is not much differences in different groups but economic status and problems of working female children are quite different in different sectors. In case the present study takes into account only particulars groups of child labourers those are employed in different industries.

2.3.2. Sampling

Multi-stages Stratified Random sampling method has been adopted for the study because the entire population of child workers in the different industries are heterogeneous in nature. Therefore, the population has been stratified into stratums of more or less homogenous in nature and characteristics. The total units of observation have been 325 and those of each stratum are proportional to he number of units in that stratum population. The study is based on primary data in order to get most reliable, original, correct, prompt information and explore questions in depth personally on the demand, supply, working conditions, living conditions, terms of work and level of exploitation. Further, this helped to achieve

the objectives, carry out analyses, and draw inferences after the testing of hypotheses by various statistical techniques. In additions to these, information were sought from government documents (The documents are NSS reports. Census reports. Labour ministry standard notes, Laws and Legislations). reports of Committees. published statistics. journals. research work done by other scholars etc. to supplement. add and corroborated the information that is collected.

2.3.3. Tools and Techniques

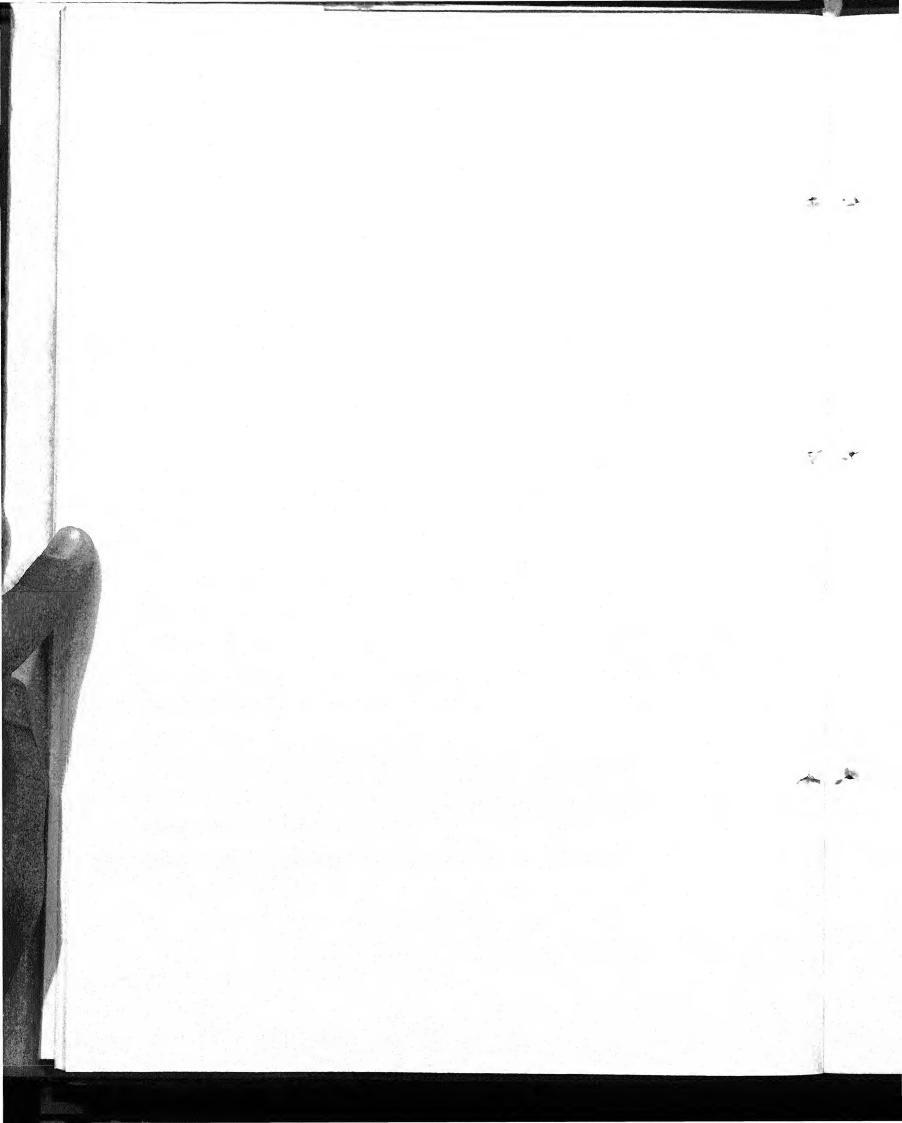
- 1. Direct Interview
- 2. Schedule
- 3. Observation
- 1. Direct Interview: It is a better method of collecting information by the investigator who interviews every one personally, as it gives an opportunity to the researcher to analyse the answers, collect all information and seek clarification if any. In this study the child labourer has interviewed personally with the help of schedule.
- 2. Schedule equalisation: Schedule gives an opportunity to explain the questions and elicit the desired answers. The questions one were of different types. Some open ended and many other close ended, giving possible alternative answers so that tabulation is not difficult. To overcome the limitations of the

close ended questions. all possible answers where accommodated in the schedule. For this study, following variables have been examined viz. characteristics (income. age. work. family members. etc.) exploitation, migration, socioeconomic status, working and terms of conditions of work.

3. Observation: There are limitations of words specially if it is male child labor. Hence care has been taken to observe the respondent along with words lettered by the respondent. It is only for these reasons that observation has been used to supplement information collected through interview schedule. Observation us very useful for collecting information about facilities available at work units and their other conditions, etc.

Personal interview and observation methods have been resorted to collect relevant data. Samples were drown from the main industries employing these male child labourers. Direct interviews will be conducted, observations noted and schedule objection were filled up. Collateral contacts have been listed to corroborate the information. In this process neighbors, coworkers of the respondents have been be contacted. The study, which has been done, was empirical and analytical in nature. The analyses of the study have been based on the primary data and secondary data have been used wherever and whenever required.

The single variant and bivariate table have been generated. Statistical calculations with the help of computers have been resorted to and relationship between different variables established. Data were analysed systematically with logic and in the light of the facts of other studies. The inferences have been drawn after the hypotheses are tested for their significance by different statistical techniques for testing.



CHAPTER 3

- 3. CAUSES AND CONSEQUENCES OF CHILD LABOUR
 - 3.1 Introduction
 - 3.2 Factors
 - 3.2.1 Economic factors
 - 3.2.2 Social Factors
 - 3.3 Consequences



Causes and Consequences of Child Labour

3.1 Introduction

Children are the most important assets of a nation. The future of any nation is largely determined on how its children grow and develop. Since the children are vulnerable to various forms of exploitation and abuse, it should be the duty of society to provide them with a supportive environment and with opportunities for their education, growth and development. They should not be exposed to physical and mental rigours which would retard their natural growth.

As per the factories Act, 1948, a child below 14 years of age is not allowed to work in any factory. As per the constitution of India, Article 45, "State shall endeavor to provide.... for free and compulsory education for all children till they complete the age of 14 years."

As per the convention on the Rights of the Child, 1981, Article 1 a Child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier."

It is a fact that a child is small and powerless in comparison to an adult. He/She cannot protect him/her self.

The child labour is not a new phenomenon. Since the evolution of society, it has been in existence in one form or the other. It may vary in one period from other in its nature and dimension depending on the socio-economic structure of the society. In Indian society, child labour has been in practice since a long time. Children have been helping their parents and gurus (Teacher) for performing various household works but

the origin of the problem of child labour lies in modern day industrialization.

Industrialization led to the employment of children in factories, workshops and in other unregulated occupations and in the process the children were deprived of their natural and inherent potentiality. Economic compulsion has been the major reason which has given rise to child labour and absence of state control over conditions of employment in an industry has led to appalling abuses of child labour.

Of course, in pre-independence India, some legislative measures were undertaken by the British, but they were not enforced strictly because they had great apathy towards welfare of people including children in India. In post independence India, the state passed many enactments for the welfare of the child and in the last parts of the last century, many interesting developments have taken place and movements regarding the welfare of the children were also started.

Over the years, the problem of child workers has undergone a dynamic change. Laws have been framed where children were prohibited to be used for selfish ends and/or material gains. Despite the consciousness among states and various legislations as well as organizations, guarding the welfare of the child, the number of working children is increasing year to year in the underdeveloped and developing countries.

The term child labour is generally interpreted in two different ways. First as an economic practice and secondly as social evil. In the economic sense, it signifies employment of children in gainful

occupations with a view to adding to the income of the family. It is in the social context that it takes into account the damage to which children are exposed, which means the denial of opportunities for development. The committee on child labour (1979) has concluded that "Child Labour can broadly be defined as that segment of the child population which participates in work either paid or unpaid." In other words, child labour is an engagement of children in gainful occupations which are often hazardous to their health and deny them the opportunity of development. To assertion the child labour in relation to employment or engagement, three elements have to he identified:-

- 1) The child should be engaged in some gainful activities.
- 2) The work to which he is exposed, must be detrimental to his natural growth
- 3) It must deprive him of the opportunity for development.

The encyclopaedia of Social Sciences defines child labour as: "When the business of wage earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour".

According to the 1991 and 2001 Census of India, in the definition of "child labour" the stress was on the concept of main activity i.e. on the economically productive pursuits in which the worker engaged himself or herself for most part of the time.... Further, if a person participated in economically productive work, not as a main activity or for most part of the year, he/she is not treated as worker but as a marginal worker".

The International Labour organisation (1983) defines child labour as including "children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from the families, frequently deprived of meaningful education and training opportunities that would open up for them a better future."

According to Operation Research Group, Child labour refers to that child who was enumerated during the survey as a child falling within the 5-15 age bracket and who is at remunerative work may be paid or unpaid, within or outside the family."

For the purpose of this study, the following broad definition has been adopted: child labour refers to that form of work a person below the age of 14 years is engaged in, which is hazardous and harmful to his growth and development. A child employed for others or self employed contributing to family enterprise, domestic work, cultivation or who work as apprentices acquiring skills on the job is also to be considered as child labour.

There are several forms of child labour throughout India. Children are found in the urban and rural labour force in what is called the informal sector. The phenomenon has its roots in the social conventions, traditions and moorings of society and the problem is perpetuated by continued poverty illiteracy and ignorance of poor parents, large families, inadequate family income, indebtedness, absence of social security schemes, migration to urban areas, urbanization, industrialization and ineffective law enforcement machinery.

The problem /phenomenon of child labour can be attributed to a variety of causes which may be classified for the purpose of systematic study as follows:-

Economic Factors
Social Factors

3.2.1 Economic Factors

Economic Factors are predominant for child labour in India, which include poverty, inadequate income of parents, cheap child labour and non-implementation of state laws:-

Poverty:- In India more than half of the population lives below the poverty line. Children of these families have either to die of starvation or to seek some employment. Poverty has been the strongest factor for prevalence and perpetuation of child labour. The parents cannot send their children to schools. The poverty forces these parents to send their children for some labour to increase the family income for survival. The helplessness due to no earning in the family or death of the parents also compel the child to go for employment. As per the survey conducted by The Institute of Public Opinion in 1969, 50% the people who live below poverty line belong to scheduled castes/scheduled tribes. Majority of these people do not have adequate income or the father or elder may be having some vices and to their financial requirements, they allow or drive the children to some employment. Poverty of

the parents is the main reason for this rampant malady. Unemployment of the adult members of the family also forces the children for labour. This has also been established by National sample survey Organization on the basis of a survey conducted in 1983 and 1987-88. Such parents do not consider child labour as an evil.

Rapid industrialisation has inculcated the tendency in employers to go for quick and more profits at low cost. Children can do the same amount of work or even more with less wages than the adults because they are more active, agile and quick. They are also more obedient and feel less tired and are not organized. There is no obligation or responsibility on the part of the employer.

Ineffective laws also contribute to the problem of the exploitation of child labour. Most of the children work in unorganised section such as home factories, agriculture and small-scale enterprises. In this sector, there is no fixed minimum rate of wages to be paid to the children and because of loopholes in the law, child labour is flourishing.

Large scale Migration form the rural area to the cities has also led to the problem of child labour. This migration is mainly to seek employment in the cities which may have caused due to draught, flood, epidemic etc. Many children come along with their parents to the cities in search of employment. Once they come to the cities, it becomes very difficult for them to go back to their native places. Just to survive and meet the economic requirements of the family in the cities, they allow or at times drive the children to employment.

The Supreme Court in People's Union for Democratic Rights vs.

Union of India, 1982 has concluded that, ".... so long as there is poverty and destitution in this country, it will be difficult to eradicate child labour."

3.2.2 Social Factors:

Physiological, social and cultural factors are also responsible for the perpetuation and persistence of child labour. The role of the children is associated with values, which parents attach with children. The birth of male child provide happiness, companionship and physiological satisfaction for the parents, but in India the child is considered as the parents property and birth of children is considered as a means of addition to the household labour forces.

Enlargement of families with low income cannot afford to nourish children and children cannot be provided protected childhood. As soon as the child grows, they are put to some employment. Sometimes, the children are employed to meet the urgent need of money or the children are employed to clear their old debts. Of course bonded labour is no longer lawful in India, but still large number of children are employed in loom industry, brick- Kiln industry, in farms or sold over to sheikhs for camel racing.

A) Increase in Population:

The continuous increased population cannot utilise the basic necessity of life and this certainly affects the quality of life in a negative way. It has been proved by various surveys that the

programme of family planning succeeds in areas where there is greater general development.

B) Illiteracy and Traditional Education:

Education generates a sense of awareness among people but illiteracy keeps individual ignorant not only about his interest but laws and benefits provided by the state for his welfare. In India, a large number of people are still illiterate and they belong to the lower socio-economic strata of the population. They are worried about the future of their children. They are not providing education to their children. Also there are large number of families in India where child is put to the traditional work of the family at an early age. Initially, the earning by these children satisfies the parents but they are ignorant of the future consequences for the children.

C) School Drop-outs:

Children from the families of artisans and children of illiterate and poor parents often drop out from the school at the primary level. This also happens when parents fail to provide the minimum to the children to send them to school and compel the child to withdraw from the school. These children, sooner or later, have to engage in some employment. So, the problem of child labour is the byproduct of socio-economic conditions in India which are prevalent in India from ancient times.

D Role of Education

Education plays the role of a catalyst in socio-economic development of the economy. To quote V.V. Giri, "Education is the principal tool of socio-economic development and unless all societies are provided with right type of education, adequate in quality and quantity, it will not be possible to tackle satisfactorily the problem of ignorance of health and poverty which afflicts the majority of human beings in the world Education is needed in all these areas to cope with and repair the destruction already introduced. It is also necessary for the economic modernisation of the society. It is now universally acknowledged that the goal of plan efforts in human development is a necessary pre-requisite.7 Education is the catalistic factor which leads to human resource development comprising better health and nutrition, improved socio-economic opportunities and more congenial and beneficial natural environment for all. The primary purpose of education system is to impart-knowledge and skill and just as important to transmit certain values. The resulting education package will vary economically across countries and culture. There is already enough evidence in India to show that high literacy rates, especially high female literacy rates, are associated with low rates of population growth, infant mortality and material mortality besides a higher rate of life expectancy.

E Illiteracy Problem of Child Labour in Global Perspective

Illiteracy and poverty are the global and fundamental reasons for child labour. As is obvious from the **Table 3.1** in addition to other

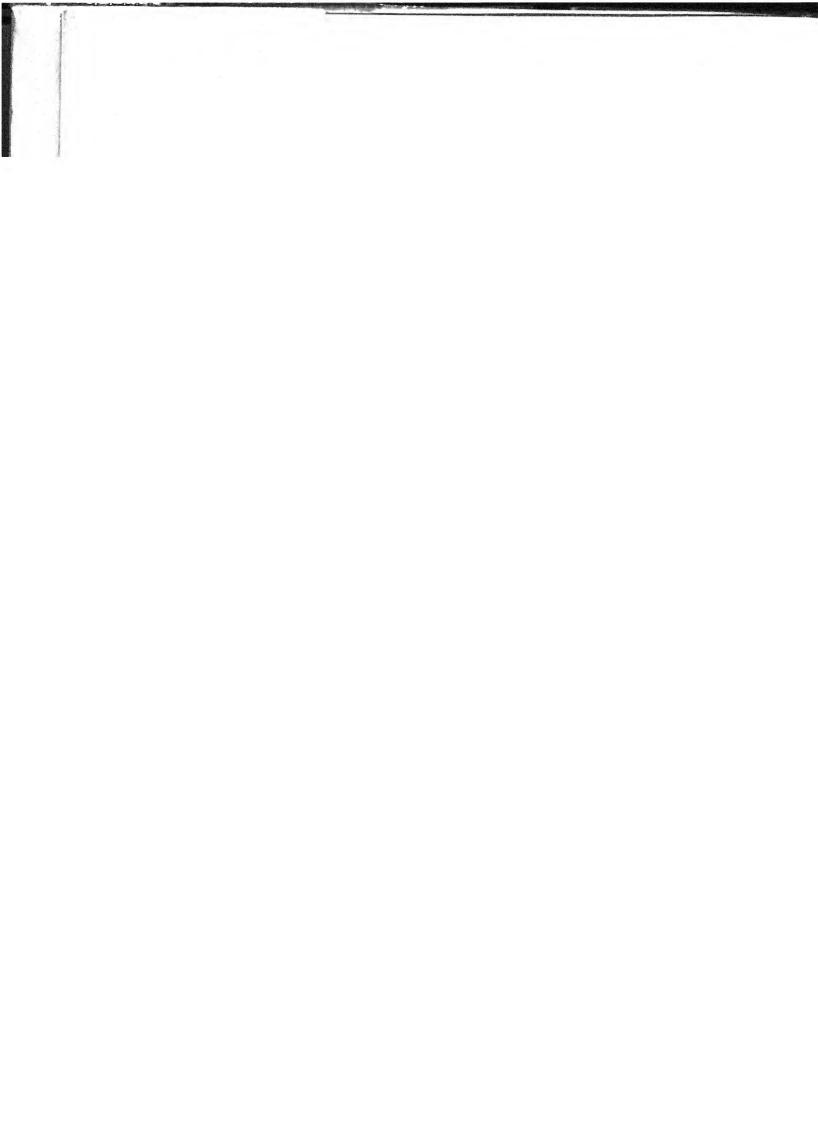


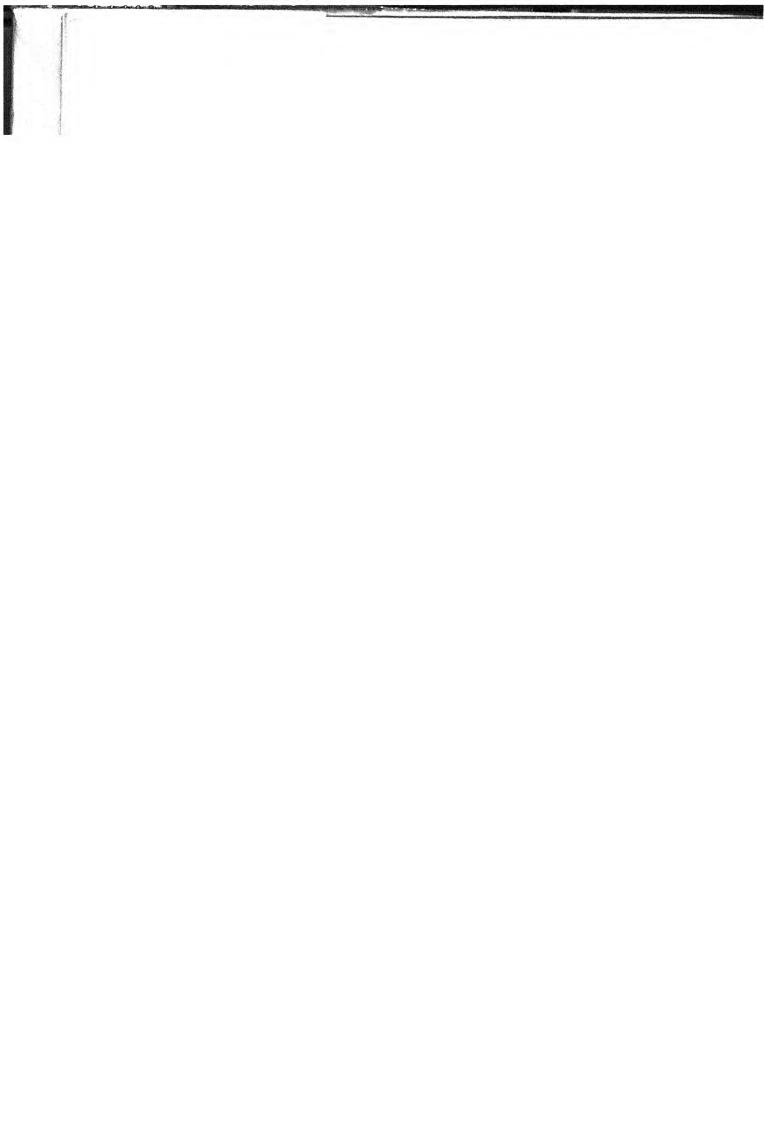
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9	Middle-East & North Africa	74	91	98	104	32	51		B-1 (A) A-1
7	Latin America & Caribbean	3	1	108	1	41	86		55
12	High Income Economics	20,	104	103	104		98		97
13	East Asia and Pacific Regions	163	115	117	119	38	53		19
14	Pakistan	27	49	51	80	8			dest sign sign
15	Bangladesh	5	105	92	128	6	12		26
16	China	8	116	121	120	37	51		Z
17	Sri Lanka	8	105	105	106	57	78		Source American
18	Mexico		110	222	114	46	58		200
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25	Japan	(C) (C)	102	101	102	94	26		55
26	Demark	8	98	96	26	104	115		és. Cl
27	United Arab Amirat	\$0 50	108	06	112	49	94		34



.causes, illiteracy is the root cause in developing nations particularly in India. The global percentage of primary and secondary education of male and female can easily be illustrated from this table. The primary purpose of education system is to impart knowledge and skills and just as important transmit certain values. The resulting education package will vary economically across countries and culture.10 To refer World Development Report, 1996, "Reform of education is therefore, needed both to give workers more transferable, marketable skills and to develop informed citizens, capable of participating actively in civil society. Reforms of health care system are needed to raise the life exf1ectancy and reduce the burden of disease and injurycontributing both to productivity and the quality of life. Due to poverty and illiteracy, they think only about the present time which is their sole cancer and worry; they do never think of their future. They feel themselves fully satisfied with what they are gaining by the earning of children. They ignore the participation of their children even in educational opportunities, consequently, child labour deprives the children of all the educational opportunities. It also affects their health and they are converted into labourers of low wages for all their lives. (Table 3.2)



State wise Literacy Rate in India of Male and Female Children

S.No.	State	Total	Male	Female			Gross E	Gross Enrolment	purpose and the state of the st	Comp., proping and company
-		%	%	%	2	Primary (Class I-V)	2	Door	Dog Present No.	TOTAL STATE OF THE
-	~				Boys	G	- Caro	Boys	Girs	Total
					%	%	%	%	%	%
_	Andhra Pradesh	44 00	55.13	32.72	9.66	89.9	94.9	53.3		
2	Bihar	00 CIO	61.87	43.03	down down	124	128.8	91.6	A PORTUGUISTI DE LA COMPANION	Andrew or plants and the same of the same
က	Gujrat	38.48	52.49	22.89	93	55.4	75.1	47.5		
4	Harayana	0	73.13	48.64	158.3	106.8	131.4	00		
5	Himachal Pradesh	65.35	69.10	40.47	86.4	84.9	85.6	70.9		
9	Karnataka	55 Off	67.25	8 7	5	123.5	127.4	78.1		
7	Kerala	00	93.62	500	98.4	95.4	96.9	105.1		
8	Madhya Pradesh	Samuel Control	58.42	28.82	112.9	88.2	102.1	91.6		-,,
တ	Maharashtra		76.56	52.32	125.5	120.2	122.9	92.4		
10	Orissa	40,00	66.69	34.69	4	78.2	95.6			
1	Punjab	10	99'59	8	92.4	200.7	91.5	70.0		
12	Rajasthan		54.99	2043	129.3	75.3	103.4	79.9		And the control of th
13	TamilNadu		73.75	E In	159.3	145.6	156.6	118.2		*
14	Uttar Pradesh		55.73	Ć.	104.3	72.2	89.1	72.3		
15	West Bengal	Section 1	67.81	46.55	128.6	122.3	125.5	102.8		
16	ALL INDIA	875	64.13	(2) (2) (3)	745	93.3	104.3	79.5		

Economic Survey 2001-2002, p-185 Govt. of India, Ministry of Finance, New Delhi. Census 2001 Source :- (a) (b)



Table 3.3
State wise Literacy in India of Male and Female children
(As per 2001 Census)

S.No	State	Total %	Male %	Female %
1	Andhra Pradesh	44.09	55.13	32.72
2	Bihar	52.89	61.87	43.03
3	Gujrat	38.48	52.49	22.89
4	Harayana	61.29	73.13	48.64
5	Himachal Pradesh	65.95	69.10	40.47
6	Karnataka	56.04	67.25	44.34
7	Kerala	89.81	93.62	86.17
8	Madhya Pradesh	44.20	58.42	28.85
9	Maharashtra	64.87	76.56	52.32
10	Orissa	49.09	69.9	34.69
11	Punjab	58.51	65.66	50.41
12	Rajasthan	38.55	54.99	20.44
13	TamilNadu	62.66	73.75	51.75
14	Uttar Pradesh	41.60	55.73	25.31
15	West Bengal	57.70	67.81	46.56
	ALL INDIA	62.00	64.13	39.29

Lack of provision of compulsory education is also a cause of child labour. Non-availability of school going facilities tend children to do some jobs as an alternative. ILO condemns the gross ignorance on the part of parents in not sending their children to school. The child labourers, today, will be paupers of tomorrow, they are the boys and girls who will grow up without either formal schooling or knowledge of a trade, sooner or later, their youthful energies exhausted, they will become dull, , drift less.

3.3. Consequences:

When the child is engaged in some work / labour, his education and health is bound to suffer. Those children who are not enrolled in schools and put in early employment will have many physical deficiencies and problems at an early age. This will also affect the coming generation of the family, thus forming vicious circle. It tends to increase poverty, ignorance, ill health, large families, under employment, disability that further accumulates the burden on the family. Such children remain subject of exploitation throughout life.

Even after five decades of independence and planned development, India has remained a stronghold of child labour. There are more than 17 million child labourers working in hazardous industries. Lakhs of children are working as domestic servants in conditions like bonded labour where they are exploited by their employers in various manners.

Childhood is a tender phase of life, which requires love, affection and care for proper growth of the child but the children who are working as child labour are lacking all such emotions and sentimental bonds. In the absence of such growth, the children fall easy victims to social evils like drug addiction, used as carriers by smugglers, begging, prostitution, theft, burglary and indulge in all kinds of aggressive behaviour and criminal activities.

Children are the future citizens of the country. If they are not properly nurtured, it will definitely have negative consequences for the social and national well-being. In the absence of emotional bonds and

continued exposure to the cruel and selfish behaviour, such children grow up as adults who also lack civil responsibility.

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CHAPTER 4

THE CHILD AND THE LAW



THE CHILD AND THE LAW

Children are recognised as the most important asset for the future of any society. The children are the most important factors to fulfil the requirements of society from time to time. In a country like India, a large number of children are at work for their survival as well as for the survival of their families. They are becoming earning members of the families of low incomes and poor. Poverty forces them to go for work instead of going to schools. Though state responded to this problem there is no cohesive thought on this issue, half heartedness and disinterest of the policy makers, legislators and intellectuals make this problem difficult. A number of act and legislations were enacted to alleviate the child labour. They can be divided into two parts i.e.

- a) Constitutional Provisions and
- b) Legal Provisions.

(a) Constitutional Provisions and

The Constitutional of India itself guarantees many rights to the child labour. This is two-fold: The Fundamental Rights and Directive Principles. Article 24 states that 'No child below 14 year of age shall be employed in any factory, mine or any other hazardous industry.

Article 39 (e) states that the State ensure that the health and strength of workers, men and women and the tender age of Children are not abused, and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength.



Article 39(f) states that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and the childhood and youth are protected against exploitation and against moral and material abandonment.

(b) Legal Provisions.

A Number of Acts was enacted to protect the interest of working children. Broadly these Acts deal with following aspects.

- (a) Children working in Hazardous Employment
- (b) Maximum hours of work and rest interval
- (c) Prohibition of children working at nights
- (d) Minimum age for employment of children
- (e) Medical Examination of children and
- (f) Minimum wage for the child worker.

(a) Children working in Hazardous Employment

Different sections of Acts prohibit children from working in hazardous occupations. Under section 23 of Factories Act (148) 'no young person can be employed on dangerous machines unless he/she is fully instructed, and is under adequate supervision. The Employment of children Act 1938 prohibits employment of children in any workship where the process of beedi making, carpet weaving, cement manufacturing, cloth printing, manufacture of matches, explosive and fire-works, mica cutting and splitting, soap manufacturing, canning is carried out. Under Beedi and Cigar Workers Act 1966 'no person can be employed in industrial premises'. According to the Mines Act (1952) 'no

person below 18 years shall be allowed to work in any mine Apprentices and other trainees, with the permission of the Child inspector/inspector may work, provided they are above 16 years', The Child Labour (Prohibition and Regulation) Act 1986, intends to ban the working children in hazardous occupations and processes as listed in the Act and regulate the conditions of their work where they are not prohibited from working.

(b) Maximum hours of work and rest interval

The Child Labour (Prevention and Regulation) Act, 1966, regulates the major conditions of work of children, such as total six hours of work, including the time spend in waiting for work, rest interval of one hour after three hours paid weekly holiday and maintenance of register of child workers. The Factories Act and Mines Act provide four hours as the maximum limit for a child between 14 and 15 years, who is working in a Factory. Acts related to shops and other establishments, recommended 5 to 7 hours of work. The maximum hours of work as prescribed by the Transport Act and The Plantation Act are forty hours a week. The Minimum period of four hours for children.

The working child is assumed by law, a rest interval of half-an-hour after every four hours of work (Motor Transport Workers Act). Rest for at least one hour after every three hours of work (Child Labour (Prevention and Regulation) Act), Half-and-hour's rest after five hours work (Plantation Labour Act), half-an-hour's rest after five hours work (Plantation Labour Act and Shop and Commercial Establishments Act). Most of these Acts also ensure one day a week leisure after every six day's work, and annual paid leave after a period of 240 days of work.

(c) Prohibition of children working at nights

In the Acts, night work between 7pm to 6am is banned for children. Overtime is not permitted, and after work for 3-5 hours (depending on the Act) there should be a rest period of half-an-hour. The Factories Act mentions that children between 14 and 17years cannot be asked to work i.e. between 10 AM to 6 PM. The Child Labour (Prevention and Regulation) Act has not allowed children for work at night (7PM to 8AM) and overtime is also not allowed. Motor Transport Workers Act mentions that no child (below 15 yeas age) is asked to work between 10 PM to 6 AM.

(d) Minimum age for employment of children

Almost all the acts define child as a person below 14 and 15 years. The minimum age prescribed for employment of children fifer in various acts. The Child Labour (Preventions and Regulations) Act, specifies that a child is one who has completed his 14th birthday. The minimum age of employment in shop and commercial Establishments Act in various States varies from 12 to 15 years. Under Section 67 of Factories Act," no child below 15 years can work in a factory" and under Section 23" no young person cab be employed in dangerous machines, unless he is fully instructed, and is under adequate supervision. A young person could be either a child (below 15 years) or an adolescent (15-18 years). No child (below 15 years) cab be employed to work in any capacity: in any motor transport undertaking (Motor Transport Workers Act 1961). Children are not allowed to work in plantations till they complete 12 years (Plantations Act). Till they complete 14 years, they are not allowed to work in industrial premises or undergo apprenticeship training

in any designated trade (Section 3 (a) of Apprentices Act). No person below 18 years shall be allowed to work in any mine (The Mines Act). A young person is defined as one under 18 years of age (Merchant Shipping Act). Section 109-113 of this Act are dealing with employment of young persons and the act prohibits children below 15 years of age to work in any capacity in any ship unless it is a School/Training ship, or a ship in which all persons employed belong to one family, or in a hometrade ship of less than 200 tonnes gross, or where such a child is to be employed on nominal wages, and is under the charge of his father or other adult near male relatives. All young persons under 18 years of age have to produce a medical certificate of fitness by a certifying surgeon.

(e) Medical Examination of children and

The Indian laws lay 18 years as the minimum age upto which the certificate of fitness would be required, whereas, International Labour Organisation Conventions clearly recommend that no person upto the age 21 years should be employed in health risk establishments without a certificate of fitness. In India, a certificate of fitness for the employment of a particular child was prescribed by the Factories Act, Motor Transport Workers Act, Plantations Labour Act, and some other Acts also provide for medical examination of the child at annual intervals.

(f) Minimum wage for the child worker.

The Minimum Wages (Central) Rules were made under the Minimum Wages Act. The Minimum Wages Act defined the child, adolescent and adult as the same meaning in the Factories Act. Under

Section 17 of this Act, each employer shall maintain registers and records giving details of employees, wages etc. The State Government will fix a minimum wage in all scheduled employments.

To deal with the above provisions, Government has enacted different acts over a period of time. The following Acts aimed at protecting the interests of children as listed above:-

Convention on the Suppression of Slave Trade and Slavery, 1926

This convention requires signatories to "prevent and suppress the slave trade" and "to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms." It also obligates parties to "take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery.

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956

The supplementary convention on slavery offers further clarification of prohibited practices and refers specifically to debt bondage and child servitude as institutions similar to slavery. It requires States Parties to "take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition of... debt bondage... [and] any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour. The convention defines debt bondage as follows:

Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Forced Labour Convention, 1930

The International Labour Organisation (ILO) Forced Labour Convention requires signatories to "suppress the use of forced or compulsory labour in all its forms in the shortest period possible. In 1957, the ILO explicitly incorporated debt bondage and serfdom within its definition of forced labour

International Covenant on Civil and Political Rights (ICCPR), 1966

Article 8 of the ICCPR prohibits slavery and the slave trade in all their forms, servitude, and forced or compulsory labor. Article 24 entitles all children to "the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

Article 7 of the ICESCR provides that States Parties shall "recognize the right of everyone to the enjoyment of just and favourable

conditions of work." Article 10 requires Parties to protect "children and young persons... from economic and social exploitation.

Convention on the Rights of the Child, 1989

The following three provisions mandate protections that are particularly relevant for the bonded child laborer:

- Article 32: "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or... be harmful to the child's health or physical, mental, spiritual, moral or social development. States are directed to implement these protections through appropriate legislative, administrative, social and educational measures. In particular, they are to:
 - (a) provide for a minimum age or minimum ages for admissions to employment;
 - (b) provide for appropriate regulation of the hours and conditions of employment; and
 - (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article.
- Article 35: "States Parties shall take all appropriate. . . measures to prevent the abduction, the sale of or traffic in children for any purpose or in any form. A significant portion of the bonded child labourers of India are trafficked from one state to another, and some are sold outright.

Article 36: "States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

APPLICABLE DOMESTIC LAW

A plethora of national laws, some dating back to the 1930s, offer protection from exploitation to India's working children. The Bonded Labour System (Abolition) Act of 1976, the most significant and farreaching of these laws-it outlaws all debt bondage, including that of children, and it requires government intervention and rehabilitation of the bonded worker. It is further set apart from the other laws by the fact that it has none of the exemptions from compliance that virtually nullify many of India's other labour laws. Unfortunately, lack of loopholes is no guarantee of enforcement. The Bonded Labour System (Abolition) Act, the Child Labour (Prohibition and Regulation) Act, and the other pieces of protective legislation that apply in varying circumstances to the situation of the bonded child labourer, are betrayed by an extremely low rate of enforcement.

Every industry discussed in this Act, and every individual case referred to, violates the Bonded Labour System (Abolition) Act and the constitutional provisions that underlie such an act. These violations represent the most severe and egregious of the many legal failings contributing to the persistence of bonded child labour in India. All of the cases and all of the industries mentioned in this report also violate the Child Labour (Prohibition and Regulation) Act: they all violate its regulatory provisions, and the largest and most significant industries-beedi, carpets, and silk-also violate its redhibitory provisions. In addition

to violating these two centrepieces of protective legislation, most industries also violate one or more of the following laws: the Factories Act; the Beedi and Cigar Workers (Conditions of Employment) Act; the Contract Labour (Regulation and Abolition) Act; and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act. All cases documented in this report also violate the Children (Pledging of Labour) Act, which is similar in its protections to the Bonded Labour System (Abolition) Act.

In addition, under the Indian Penal Code (IPC) rape, extortion, causing grievous hurt, assault, kidnapping, abduction, wrongful confinement, buying or disposing of people as slaves, and unlawful compulsory labour are criminal offences, punishable with up to ten years imprisonment and fines. Under the Juvenile Justice Act, 1986, cruelty to juveniles and withholding the earnings of a juvenile are criminal offences, punishable with up to three years imprisonment and fines.

Indian Constitution

Article 21 of the Constitution of India guarantees the right to life and liberty. The Indian Supreme Court has interpreted the right of liberty to include, among other things, the right of free movement, the right to eat, sleep and work when one pleases, the right to be free from inhuman and degrading treatment, the right to integrity and dignity of the person, the right to the benefits of protective labour legislation, and the right to speedy justice. The practice of bonded labour violates all of these constitutionally-mandated rights.

Article 23 of the constitution prohibits the practice of debt bondage and other forms of slavery both modern and ancient:

Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law.

Begar is an ancient caste-based obligation, a "form of forced labour under which a person is compelled to work without receiving any remuneration. "Other similar forms of forced labour" was interpreted expansively by the Supreme Court in 1982, when it ruled in the seminal Asiad Workers' Case that both unpaid and paid labour were prohibited by Article 23, so long as the element of force or compulsion was present in the worker's ongoing services to the employer. Examples of force include overt physical compulsion and compulsion under threat of legal sanction (as for example in the case of an allegedly unpaid debt), as well as more subtle forms of compulsion, including "compulsion arising from hunger and poverty, want and destitution.

Given the dire economic straits of most Indians, this definition could bring hundreds of millions of people within its scope. The Supreme Court went on, however, to provide a helpful rule for determining exactly what situations constitute forced labour. "Where a person provides labour or service to another for remuneration which is less than minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the word 'forced labour'... All labour rewarded with less than the minimum wage, then, constitutes forced labour and violates the Constitution of India.

In another landmark case, this one brought on behalf of a group of bonded quarry workers in the early 1980s, the Supreme Court ruled that "[i]t is the plainest requirement of Articles 21 and 23 of the Constitution that bonded labourers must be identified and released and on release, they must be suitably rehabilitated.... Any failure of action on the part of the State Government[s] in implementing the provisions of [the Bonded Labour System (Abolition) Act] would be the clearest violation of Article 21 [and] Article 23 of the Constitution.

Article 24 prohibits the employment of children in factories, mines, and other hazardous occupations. Together, Articles 23 and 24 are placed under the heading "Right against Exploitation," one of India's constitutionally-proclaimed fundamental rights.

Article 39 requires the state to "direct its policy toward securing":

- (a) that the health and strength of workers... and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength.
- (b) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

Bonded Labour System (Abolition) Act, 1976

The Bonded Labour System (Abolition) Act purports to abolish all debt agreements and obligations arising out of India's longstanding

bonded labour system. It is the legislative fulfilment of the Indian Constitution's mandate against *begar* and forced labour. It frees all bonded labourers, cancels any outstanding debts against them, prohibits the creation of new bondage agreements, and orders the economic rehabilitation of freed bonded labourers by the state. It also criminalizes all post-act attempts to compel a person to engage in bonded labour, with maximum penalties of three years in prison and a 2,000 rupee fine. The Bonded Labour System (Abolition) Act offers the following definition of the practices being abolished.

Sec. 2(g) "bonded labour system" means the system of forced, or partly forced labour under which a debtor enters...or is presumed to have entered, into an agreement with the creditor to the effect that,-

- (i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or
- (ii) in pursuance of any customary or social obligation, or
- (iii) in pursuance of an obligation devolving on him by succession, or
- (iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or
- (v) by reason of his birth in any particular caste or community, he would-
 - (1) render, by himself or through any member of his family... labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

- (2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or
- (3) forfeit the right to move freely throughout the territory of India, or
- (4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him...

This definition is meant to, and does, cover all of the many permutations of the bonded labour system in modern India. There are differences from one part of the country to the next and from one industry or landlord to another in terms of wages paid, the amount advanced, whether the advance is considered a type of loan or a type of wage, the hours worked per day and days worked per year, and whether the worker has some freedom from the bond master or is kept under constant control. Some bonded labourers receive no wages at all, apart from meagre food stipends and a yearly change of clothing; some receive extremely low wages, constituting as little as 10 percent of the mandated minimum wage: some receive a standard wage in theory, but in fact lose 70 or 80 percent of it, sight unseen, back to the employer as "interest" on the advance. Some labourers are working to pay off a 500 rupee loan, others a 15,000 rupee loan. Some inherited their debt from their parents; others have contracted for a ten-month period of servitude. Some work sixteen hours a day, 365 days a year, every year of their lives. Others work ten hours a day, six days a week. Despite these differences, all are bonded labourers within the definition of the act.

It is what they have in common that determines their bonded status: they are working for nominal wages in consideration of an advance, and they are not free to discontinue their work. These three elements-an advance, low wages, and compulsion-are at the core of all bonded labour. The act defines "nominal wages" as those that are less than minimum wages or, where no minimum wage has been set, less than wages normally paid for the same or similar work in the same locality.

District magistrates-called district collectors. or deputy commissioners, in some states-are responsible for enforcement of the Bonded Labour System (Abolition) Act. The district magistrate, an appointed civil servant, is the top authority at the district level and as such oversees government administration, including the administration of justice. His duties are varied and many, and include overseeing the work of fifty to sixty distinct departments. In addition to these duties, he is required by the Bonded Labour System (Abolition) Act to identify all cases of bonded labour occurring in his district, free the labourers, and initiate prosecution under the act. He is also charged with making sure available credit sources are in place, so that freed labourers will not be forced into bondage again. Finally, the district magistrate is to constitute and participate in the functioning of a district-level "vigilance committee."

The statutory functions of this committee are:

- to advise the District Magistrate . . . as to the efforts made, and action taken, to ensure that the provisions of this act... are properly implemented;
- to provide for the economic and social rehabilitation of the freed bonded labourers;

- (c) to coordinate the functions of rural banks and cooperative societies with a view to canalizing adequate credit to the freed bonded labourers:
- (d) to keep an eye on the number of offences of which cognizance has been taken under [the] act;
- (e) to make a survey as to whether there is any offence of which cognizance ought to be taken under the act;
- (f) to defend any suit instituted against a freed bonded labourer or a member of his family... for the recovery of the whole or part of any bonded debt...

Very few such vigilance committees have been formed, and Human Rights Watch knows of no district in which such a committee is currently operative.

References to rehabilitation of freed bonded labourers occur twice in the Bonded Labour System (Abolition) Act-once in reference to the district magistrate's duty to "secure and protect the economic interests" of the bonded labourer (Sec. 11), and once in stipulating the vigilance committees' duty to provide for the "economic and social rehabilitation" of the bonded labourer (Sec. 14). The act itself, however, does not specify of what this rehabilitation should consist and left implementation of rehabilitation up to the state governments, and largely dependent on the initiative of District Magistrates.

In 1978, the Ministry of Labour launched a scheme that specified a "rehabilitation allowance" in order to assist state governments with rehabilitation. Under this scheme, the central government contributes half of the rehabilitation assistance allowance due to every freed bonded

labourer, and the state where the bonded labourer resides pays the other half. The allowance, determined by a Ministry of Labour Planning Commission, was originally set at 4,000 rupees. It has been raised once, to 6,250 rupees, in 1986. In 1982, cognizant of the reasons that lead to bondage and possibility of relapse if those released are not rehabilitated, the government expanded this program by adding guidelines for rehabilitation under Ministry of Labour Direct Order No. S.11011/20/82-BL, which stated that:

- (i) Psychological rehabilitation must go side by side with physical and economic rehabilitation;
- (ii) The physical and economic rehabilitation has fifteen major components namely allotment of house-sites and agricultural land, land development, provision of low cost dwelling units. agriculture. provision horticulture, of credit. animal husbandry, training for acquiring new skills and develop in existing skills, promoting traditional arts and crafts, provision of wages employment and enforcement of minimum wages. collection and processing of minor forest products, health, medical care and sanitation, supply of commodities, education of children of bonded labourers and protection of civil rights:
- (iii) There is scope for bringing about an integration among the various Central and Centrally Sponsored Schemes and the ongoing schemes of State Government for more qualitative rehabilitation. The essence of such duplication, i.e., pooling resources from different sources for the same purpose. It should be ensured that while funds are not drawn from different sources for the same purpose, [funds] drawn from

- different sectors [schemes] for different components of the rehabilitation scheme are integrated skillfully; and
- (iv) While drawing up any scheme/programme of rehabilitation of freed bonded labour, the latter must necessarily be given the choice between the various alternatives for their rehabilitation and such programme should be finally selected for execution as would need the total requirements of the families of freed bonded labourers to enable them to cross the poverty line on the one hand and to prevent them from sliding back into debt bondage on the other.

In its 1994-95 Annual Report, the Ministry of Labour stated that funds for rehabilitation assistance would be increased from Rs. 6,250 to Rs.10,000 for each bonded labourer, and that "respective State Governments will undertake further surveys to identify bonded labourers as may still be in existence and report to the Government of India. The State Governments have also agreed to undertake selective follow-up studies to assess whether rehabilitated bonded labourers have relapsed into bondage and to set up Vigilance Committees, wherever they are not in existence.

However, the extent to which bonded labourers have been identified, released, and rehabilitated by government officials has been negligible; this is discussed in the chapter on the role of the government.

Children (Pledging of Labour) Act, 1933

This act predates Independence but remains in force. It is rarely used and rarely mentioned in discussions of bonded labour and child labour, probably because the more recent laws carry penalties that,

while lenient themselves, are nonetheless stiffer than those of the Children (Pledging of Labour) Act.

The act calls for penalties to be levied against any parent, middleman, or employer involved in making or executing a pledge of a child's labour. Such a pledge is defined as an "agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilized in any employment. Lawful labour agreements are limited to those made in consideration of reasonable wages and terminable at seven days' or less notice. The fines for violating this law are fifty rupees against the parent and two hundred rupees against either the middleman or employer

Child Labour (Prohibition and Regulation) Act, 1986

The Child Labour (Prohibition and Regulation) Act was enacted in 1986 and defines a child as "a person who has not completed their fourteenth year of age. It does not prohibit child labour *per se*, nor does it set a minimum age for the employment of children. Instead, it regulates the hours and conditions of work for child labourers, while prohibiting the employment of children in twenty-five hazardous industries. Three of the enumerated hazardous industries rely heavily on bonded labour and were included in the Human Rights Watch investigation. These three industries are the beedi (hand-rolled indigenous cigarettes) industry, carpet-weaving, and cloth printing, dyeing and weaving. The other industries discussed in this report are subject to the regulatory aspects of the Child Labour (Prohibition and Regulation) Act. However, implementation of the regulatory provisions of

the act require each state to formulate an act-specific set of rules and regulations; the majority of states have not done so as of 1996, ten years after passage of the act.

For first convictions under the hazardous industries prohibition, the act prescribes imprisonment of three to twelve months or a fine of 10,000 to 20,000 rupees. Second offences are to be punished with a mandatory six months to two years in prison. There are no standing requirements for the filing of a complaint under the Child Labour Act. Any person, including but not limited to any police officer or government inspector, is authorized to file a complaint before any court of competent jurisdiction.

The act also authorizes central and state governments to appoint inspectors charged with securing compliance with the act. Rather than do this, most states have added responsibility for enforcement of the Child Labour (Prohibition and Regulation) Act on to the already-existing ranks of the labour inspectors. This is an undesirable arrangement for two reasons. First, requiring the labour inspectors to also investigate violations of the Child Labour (Prohibition and Regulation) Act saddles them with an unrealistic work burden. Even before the 1986 Child Labour (Prohibition and Regulation) Act was added to their responsibilities, a 1979 report by a government-appointed Committee on Child Labour found the inspectors overwhelmed by their duties:

The jurisdiction of individual inspectors was too extensive for them to keep a regular watch on activities within their purview. In several States one inspector was required to cover a group of several districts. He was also burdened with very wide ranging other responsibilities

pertaining to labour legislation. [As a result of] this situation...there were practically no prosecutions... of any violation of existing laws pertaining to child labour.

In practice, some labour inspectors enforce the Factories Act while others enforce the Child Labour (Prohibition and Regulation) Act, a not very efficient division of labour. Furthermore, a 1995 government-mandated report on child labour found that "many inspectors were unclear about the import of laws.

In addition to being overextended, factory and labour inspectors in India are notoriously corrupt and susceptible to bribery. Against this background, there is little reason to expect them to vigorously find and root out instances of illegal child labour.

Even if inspection were reliable, glaring loopholes in the Child Labour (Prohibition and Regulation) Act allow manufacturers to escape application of the law quite easily. First, the Child Labour (Prohibition and Regulation) Act applies to all workshops which make use of child labour in prohibited processes, except those workshops "wherein any process is carried on by the occupier with the aid of his family. The vast majority of child labour takes place in agriculture and cottage industries in the informal sector. Often, the employer does have one of his own children or a niece or nephew working alongside the rest of the children, and this is enough to take his shop out of the purview of the Child Labour (Prohibition and Regulation) Act. Even if he does not have a family member working on the premises, he is likely to say that he does, according to labour inspectors, social welfare activists and others familiar with the informal sector.

This exception gives tacit government approval to the use of child labour, when the child is a relative of the family, under conditions that would otherwise be illegal. This exception includes the use of a child labour in hazardous occupations or industries. Nor is this the only exception to the application of the Child Labour (Prohibition and Regulation) Act. The act is also inapplicable to government-sponsored schools or training programs. Again, this means that work and conditions ordinarily deemed harmful to children are considered non-harmful so long as they take place under the auspices of an official government program. The best examples of this exception are the approximately two hundred government-run carpet weaving training centres. Carpet weaving is a hazardous and therefore prohibited industry under the Child Labour (Prohibition and Regulation) Act. Under the exception for government schools, however, thousands of children are enrolled in this industry, not only with government approval, but with government facilitation and encouragement.

These exceptions are clear violations Article 24 of the Indian Constitution, which states that "no child below 14 shall be employed in any factory or mine or engaged in any hazardous employment."

Another major loophole in the Child Labour (Prohibition and Regulation) Act concerns the proof of age of the child worker. One would expect the employer to carry the burden of proof that the working child is of legal age. This is not the case. Instead, the Child Labour (Prohibition and Regulation) Act effectively puts the onus of proof on the state, stipulating that, in the event of a dispute between the employer and the government inspector as to the age of the working child, "the question

shall... be referred by the Inspector for decision to the prescribed medical authority. What this means in practice is that on those rare occasions when labour inspectors do pay a visit to production sites, they must pay a doctor to accompany them and evaluate the age of the children. Even then the truth of the matter of age is not necessarily settled, as manufacturers are known to bribe the medical authorities-not to mention the inspectors themselves-in order to obtain favourable results.

These loopholes create daunting enforcement difficulties in the beedi, carpet, and silk industries-the three industries that are both heavily bonded and where child labour of any sort is outlawed by the Child Labour (Prohibition and Regulation) Act. The same difficulties would be noted in the other prohibited industries of the act.

Every industry studied by Human Rights Watch thoroughly violates the protective regulations of the Child Labour (Prohibition and Regulation) Act. These violated provisions include the right to an hour of rest after three hours of work; a maximum work day of six hours; a prohibition of child work before 8:00 a.m. or after 7:00 p.m.; a prohibition on overtime; a mandatory day of rest every week; and the requirement that various health and safety precautions be observed.

Factories Act, 1948

The Factories Act strictly forbids the employment of children less than fourteen years old in factories. It also includes a sizable loophole, in that the act only applies to factories employing ten or more people with the use of electric or other forms of generated power, or twenty or more people without the use of power. Many small scale industries intentionally fragment the manufacturing process into separate units in order to circumvent application of the Factories Act. Others only employ small numbers of people on the books, bringing in dozens of others as unofficial "extras.

Scheduled Castes/Scheduled Tribes Prevention of Atrocities Act, 1989

This act defines any kind of forced labour, including bonded labour, as an "atrocity" if the victim is a member of a scheduled caste or tribe. Committing an "atrocity" is punishable with up to five years imprisonment and fine.

Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

This law regulates the employment of inter-state workers migrant workers. It requires that establishments employing such workers be registered, that contractors be licensed and keep records of all migrant workers recruited, that migrant workers be paid at the same rate as non-migrant workers, and that inspections be carried out to ensure compliance with these provisions.

Contract Labour (Regulation and Abolition) Act, 1970

This act regulates the use of contract labour and provides for its abolition in certain industries, at the discretion of the appropriate

government (state or central). Among its provisions are a requirement that no wage period exceed one month.

Minimum Wages Act, 1948

The Minimum Wages Act sets the minimum wage for certain enumerated occupations and requires that overtime be paid to all workers who work beyond a "normal working day." In the case of children under fourteen, a "normal working day" is four and a half hours.

Plantation Labour Act, 1951

This act regulates the work and wage conditions of plantation workers, including children over the age of fourteen.

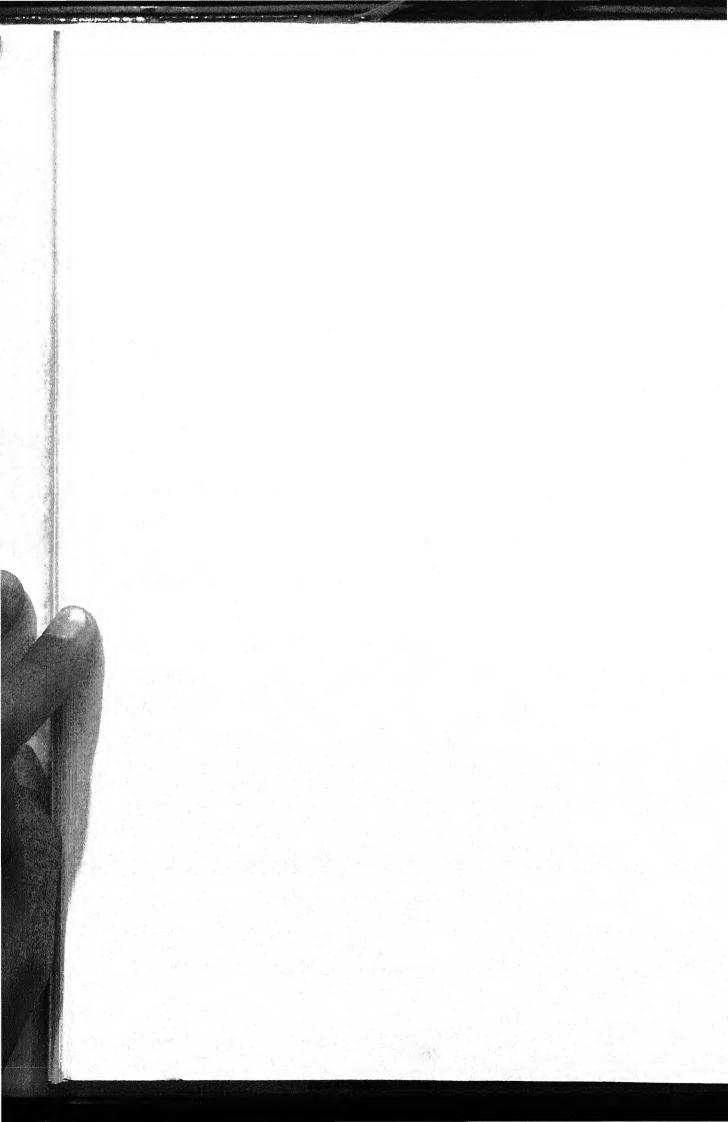
Apprentices Act, 1961

The Apprentices Act regulates the rights and work hours of apprentices, and sets the minimum age for apprenticeships at fourteen years.

Shops and Establishments Act, 1961

This law, which applies to shops, hotels, restaurants, and places of amusement, regulates the hours of work and prohibits the employment of children below a certain age, to be determined by the states. In eleven states, the minimum age for a child worker is fourteen years; in thirteen states, the minimum age is twelve years.

To, summarize are may state that although there are numerous provisions in the law for ensuring that child labour is not practiced strict implementations of the laws is required to facilitate the end of child/bonded labour in India.



CHAPTER 5

5. CHILD LABOUR IN DIFFERENT STATES OF INDIA

- 5.1 Punjab
- 5.2 Haryana
- 5.3 Bihar
- 5.4 Orissa
- 5.5 Kerala



Child Labour in Different States of India

I- PUNJAB, HARYANA, BIHAR AND ORISSA

Child Labour, a global phenomenon, is conspicuously prevalent in the developing countries of the world. According to estimates of International Labour Organisation, nearly 250 million children between the ages of 5 and 14 are working in developing countries. Of this total, some 120 million children are working full-time and 130 million work part-time. About 61 per cent of child workers (or nearly 152 million) are found in Asia, 32 per cent (or 80 million) in Africa and 7 per cent (or 17.5 million) in Latin America} India, Pakistan and Bangladesh together account for a percentage of child Labour higher than that of the rest of the world.

The problem of child Labour has recently come in the forefront. Children have been abused in various industrial and service establishments. They have also been made to work in various hazardous conditions in both organised and unorganised sectors mainly owing to poverty, illiteracy, ignorance, unemployment, low wages, large size of family etc. International Labour Organisation (ILO), through various conventions, recommendations and declarations, has been making rules and thus guiding the member countries (including India) for abolition of Child Labour through several measures. The Government of India has taken a number of legislative and executive steps to mitigate the evil of Child Labour. Article 24 of our Constitution states that, "No Child below the age of

14 shall be employed to work in any factory or mine or engaged in any other hazardous employment". The Child Labour (Prohibition and Regulation) Act, 1986 also states that no child under the age of 14 shall be permitted to be engaged in hazardous occupations or to be made to undertake heavy work.

The implementation of child labour Acts in our country is very ineffective. The main reasons for this are lack of adequate enforcement machinery, lack of political will, deliberate attempt of employers to flout the legal provisions and lack of consciousness within the minds of parents themselves who send their children to work. Keeping in view the pitiable conditions of child labour in India, the Government of India has endeavored to expound national policy of 'Child Labour Welfare', which includes provision of free and compulsory education for all children up to the age of 14, alternative forms of education for those children who are unable to take full advantage of formal school education for whatever reasons; health and nutritional programmes and services for all children; and measures for protecting children against neglect, cruelty and exploitation. The national anti-poverty policies, the national education policy and the national policy on health-for-all and on nutrition are together expected to help in realising the objectives of the National Policy on Child Labour (NPCL), 1987. This is clear in the following paragraph of NPCL document: "The measures to promote employment-oriented development schemes both in rural and urban areas, and the all-round development and extension of adequate facilities for both formal and normal education, vocational education

and training and in the coverage and extension of social security and family welfare should all go a long way to tackle the basic and root cause of child labour.

But inspite of statutory provisions for prohibition and regulation of child labour, the problem still exists in alarming proportions in India. With around 23 million working children, India shares one-third of the Asia's child labour and one-fourth of the world's unfortunate working children.

From among the States of India, Andhra Pradesh has the highest number of working children (15.2 per cent of total child workers in the country) and Kerala the lowest (where it is only 1.8 per cent of the total labour force in 1981). Karnataka and Rajasthan States have 7.9 and 7.3 per cent, respectively, of the child labour of the total labour force.

Our study focuses mainly of 5 states in India namely Punjab, Haryana, Bihar, Orissa and Kerlaa. These states are representative of the states of their region. Punjab and Haryana being situated in the North, Bihar and Orisaa in the East and Kerala in the south of India. In addition these states have varied average per capita income, standards of living and literacy states. With Kerala being among the most developed and Bihar and Orissa being the least developed.

Problem

To assess the gravity of the child labour problem, an attempt has been made in this discussion.

- (i) to examine the extent of child labour in fudia;
- (ii) to assess the magnitude of child labour in four states of India, namely Punjab, Haryana, Bihar and Orissa; and
- (iii) to identify the possible determinants of inter-state differentials in child labour.

Extent of Child Labour in India

As this study is based on census data, the figures of extent of child labour in India are under-estimated. Census data gives statistics regarding children working in the organised sector only. It does not give an account of children working in the unorganised sector of the country. According to official reports, there were 17.36 million working children in 1985, however, according to the estimates of non-governmental organisations, the figures could have been between 44 million and 100 million in 1985. Thus whatever may by the actual figures on child labour, the important point is that the phenomenon of child labour is on the rise in India.

Table 5.1 shows the extent of child labour in India at three census points i.e. 1981, 1991 and 2001. Total population of the country was 548.16 million in 1981, out of which 42 per cent were

Table No.5.1 Child Labour /Child Population in India (1981-2001)

S.No.	Year		Total (in millions)	nillions)		Percentage	Percentage of Child Workers to Total	orkers to	Percentage of Child
		Population	Children (0-14 Years)	Workers	Child	Population Workers		Children	Population to Total Population
-	1981	548.16	230.33	180.49	10.75	1.96			42.02
2	1991	665,29	263.11	222.52	13.64	2.05			39.55
3	2001	836.61	296.93	314.90	23.16	2.77	*		35.49

Census of India 1981, 1991 and 2001 Government of India, New Delhi. Source:-



children below 14 years of age. The proportion of child population (296.93 million) to total population (836.16 million) declined to 35 per cent in 2001. Though, in absolute terms, both total population and child population have increased rapidly, in relative terms the rate of increase in total population is high. Further, the extent of child labour in India increased from 10.75 million in 1981 to 23.6 million in 2001. In other words, the volume of child labour has more than doubled within 20 years. About 7 per cent of the total labour force of the country consists of child labour. Thus, the ratio of child workers to total workers turns out to be 1:14. On the whole, the situation emerges to be quite depressing as the share of child labour has increased by 41.33 per cent in total population and 67.02 per cent in total child population in 2001 as compared to 1981.

Table 5.2 depicts area-wise and sex-wise distribution of child labour in India. During 2001, 21.27 million (91.84 percent) children were found to be working in rural areas as against 12.57 million (92.84 per cent) in 1991. Thus a very high majority of child workers is observed in rural areas. Further, disparities in the proportions of male and female child labour are also noticeable in both rural and urban areas. Out of 9.98 million child workers in rural India, 7.29 million (73 per cent) were males and 2.69 million (27 per cent) were females in 1981, whereas, in 2001, out of total 21.27 million rural child workers, 8.7 million (40 per cent) were males and 12.57 (60 per cent) were females. In urban India, during 1981, out of a total 0.77 million child workers, 0.61 million (80 per cent) were males and 0.16 million (20 percent) were females and during 2001, 1.89 million were total

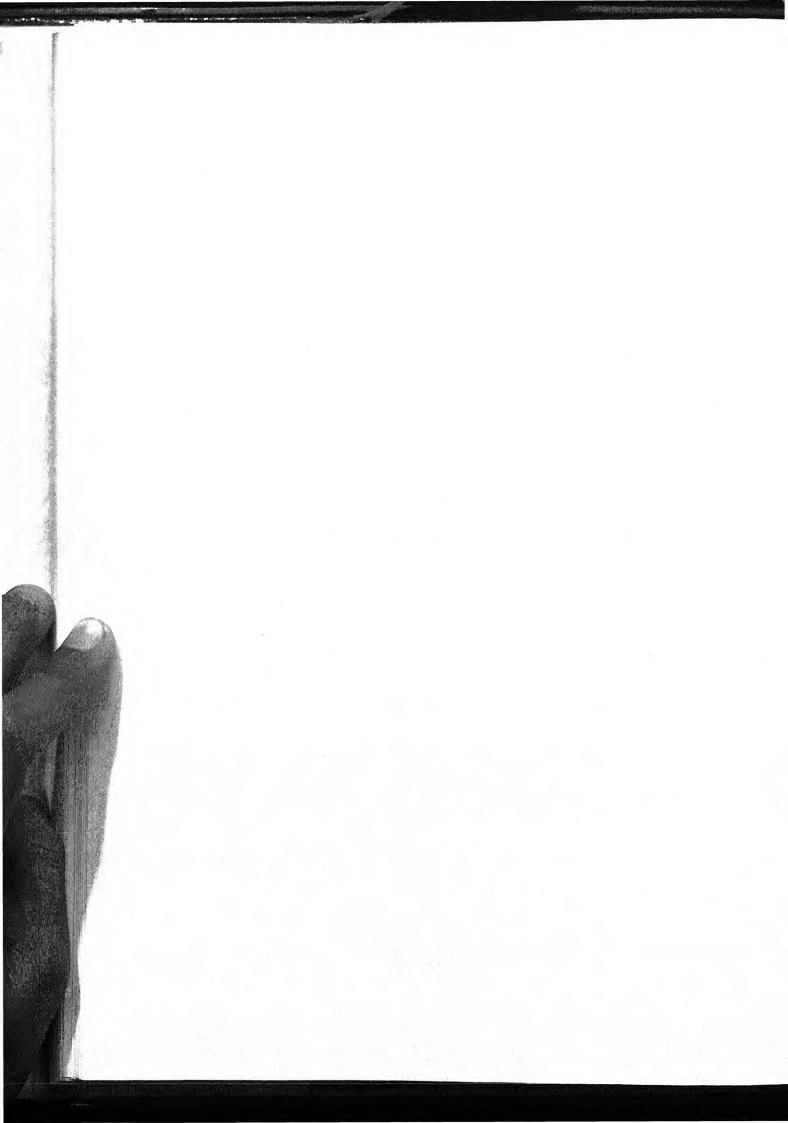


Table No. 5.2
Area-wise Distribution of Child Labour in India

Year				Chie	Child Labour (in millions)	nillons)			
		Rura			Urban			T C	
	2	LL	Im	Ξ	L	- James	5	S II	James
1981	7.29	2.69	9.98	0.61	0.16	0.77		,	×
1991	7.34	5.23	12.57	0.77	0.30	5			
-									
2001	8.70	12.57	21.27	# 50	0.74	200			-

Source:- Census of India 1981, 1991 and 2001 Govt. of India, New Delhi

M= Male F= Female T= Total



working children and out of them, 1.15 million (68 percent) were males and 0.74 million (32 percent) were females. While taking sexwise total figures of child workers, the proportion of male child labour fell sharply from 73.4 per cent in 1971 to 42.53 per cent in 2001. The corresponding figures of females have gone up tremendously from 26.6 per cent to 57.46 per cent. In urban India, more males than females work as child labour, though, in percentage terms, males are substantially lower in rural India.

In a nutshell, the incidence of child labour is quite high in the country and this is so particularly in the rural areas. Moreover, the trend in employment is shifting from male children to female children in rural as well as urban areas.

Extent of Child Labour in Indian States

As a large number of factors are responsible for inter-state variations in the extent of child labour, it would be illuminating to examine the extent and nature of child labour in a few Indian states independently as well as in comparative perspective. To study these variations, we have selected four states, namely Punjab, Haryana, Bihar and Orissa, on the basis of difference in the level of their socioeconomic development. Punjab and Haryana states are advanced compared to Bihar and Orissa in terms of both per capita income and literacy. In terms of per capita income, punjab and Haryana occupy the highest and the second highest positions, respectively, whereas

Bihar and Orissa occupied the lowest and the third lowest positions among the Indian states during 1991-92.

Similarly, in terms of literacy, Punjab and Haryana ranked 17th and 21st, respectively, whereas Bihar and Orissa ranked 30th and 23rd during 2001. Table 4.3 reflects the quantum of population and of child labour in these states. The population of Bihar was the highest (863.7lakhs), followed by Orissa (316.6lakhs), Punjab (202.8 lakhs) and Haryana (164.6lakhs) in 2001. Similar positions have been observed in the case of child labour in these states. The figures of child labour in absolute terms were 10.7lakhs, 5.1lakhs, 1.3 lakhs and 0.6 lakh for Bihar, Orissa, Punjab and Haryana, respectively, in 2001. **Table 5.3** also depicts the growth rates of child labour in these states for the periods 1981-91 and 1991-2001. It can be observed from this Table that both Punjab and Haryana have experienced a decline in the growth rate of child labour during these decades. though the rate of decline has been more in Harvana. This may be due to a sharp rise in the literacy rate of Haryana as the percentage increase in literacy rate of Haryana was 27.28 as compared to 21.47 in Punjab during 1991-2001. On the other hand, Bihar and Orissa experienced positive growth rate during 1981-91 and negative growth rate during 1991-2001. Bihar experienced the lowest rate of decline in child labour during 1991-2001 among the four states under consideration.

Table 5.4 points out the percentage of child labour to total population, total labour force and total child population in the states

Table No. 5.3 Child Labour in Four State in India

State	Total Population	O	Child Labour		Computed A	Computed Annual Growth
	('000) 2001		(000,)		Rate of C	Rate of Cried Labour
		1981	1991	2001	1981-91	1991-2001
Punjab	20.25	232.80	216.90	134.20		
Haryana	0.47	240.60	194.20	00.00		
Bihar	. 27.5	1059.40	5	1073.30		
Orissa	28.83	492.50	702.30	518.70		

Source:- Census of India, 2001, Government of India, New Delhi

The figures in parenthesis represent percentage to total population of India.



under study for the period 1981-2001. The percentages of child labour to total population fell from 2.24, 1.88, 1.72 and 1.37 in 1981 to 1.64, 1.24, 0.66 and 0.55 in 2001 in Orissa, Bihar, Punjab and Haryana respectively. These proportions were the highest for Orissa and the lowest for Haryana during the period under study. The percentage of child labour to total labour force has also shown a decreasing trend in all these four states. During 1981, these percentages in Haryana, Punjab, Bihar and Orissa were 5.2, 5.94, 6.06 and 7.18, respectively, and come down to 1.78, 2.14,3.86 and 4.37, respectively, in 2001. A similar downward tendency has been observed in the case of proportions of child labour to total child population. During 2001, these proportions were found to be 2.11, 2.85,4.55 and 6.73 as against 7.86, 6.07, 6.55 and 7.98 during 1981 in Haryana, Punjab, Bihar and Orissa, respectively. One can infer from the above analysis that the share of child labour is diminishing at a faster rate in Punjab and Haryana than that in Bihar and Orissa which may be due to the fact that Punjab and Haryana have been placed better economically (in terms of income) and socially (in terms of education) than Bihar and Orissa. (Table No. 5.3 & 5.4)

Table 5.5 charts out sex-wise and area-wise distribution of child labour during 1981-2001. Out of the total child workers, an overwhelming majority of males is observed to be working in all the four states during the entire period. However, the percentage shares of male child workers dwindled from 98.7, 89.8,79.3 and 85.9 in 1981 to 92.2, 78.5, 73.8 and 67.2 in 2001 in Punjab, Haryana, Bihar and Orissa, respectively. On the other hand, the percentages of female

Table No. 5.4
Percentage Share of Child Labour in Four State of India

State	Perce	centage of Child Lab to Total Population	Percentage of Child Labour to Total Population	Percenta	Percentage of Child Labour to Total Labour Force	Labour to	Percentag Total Chil	d Populat	Percentage of Child Labour* to Total Child Population Census Data Based Estimates (0.14
	1981	1991	2001	1981	1991	2001	1984	Years)	2004
		-							7007
Punjab	1.72	1.29	99.0	gg chicken	4		6.07	5.16	2.85
	7	1	and cost of						
нагуапа	1.3/	1.50	0.55			1.0	7.86	5.27	2.11
Binar	88.	1.58	1.24				6.55	5.57	4.55
	-			والمراجعة والمراجعة والمراجعة					
Orissa	2.24	2.66	1.64	S. Mar. S. Margari S. Marris S. Marris	power power - Sa	-1-	7.98	9.58	6.73

* The Percentage of Child Labour to total child population of the respective state is out of children of 5.14 group.

Source:- Census of India 19981-2001 Government of India.



child workers went up tremendously in Punjab, Haryana, Bihar and Orissa from 1.3, 10.2, 20.7 and 14.1 in 1971 to 7.8, 21.5, 26.2 and 32.8 respectively in 2001. Thus, the share of female child workers shot up in all the four states. This may be due to lower female literacy rate than male literacy rate in all the four states. In Punjab, Haryana, Bihar and Orissa, the female literacy rates were 50 per cent, 40 per cent, 23 per cent and 31 per cent, respectively, which were quite lower than the corresponding male literacy rates of 68 per cent, 69 per cent, 53 per cent and 63 per cent during 2001.

Child labour prevails both in rural and urban areas throughout the country. **Table 5.5** manifests that an overwhelming majority of child labourers is engaged in rural areas but their percentage has been found to be continuously sliding down in all the states throughout the study period. The percentages of child labour in rural areas of Punjab, Haryana, Bihar and Orissa stepped down from 90.8, 93.9, 96.2 and 96.5 in 1971 to 83.7, 87.7, 94.5 and 94.7 percent, respectively, in 2001. On the other hand, the corresponding percentages of child labour in urban areas have recorded a steep rise from 9.2, 6.1, 3.8 and 3.5 in 1981 to 16.3, 10.3, 5.5 and 5.3, respectively, in 2001. Children in urban areas are working mainly in small manufacturing units as cheap laborers to supplement their family income.

Thus, from the above analysis, it can be concluded that the States of Punjab and Haryana are leading in reducing substantially the overall incidence of child labour (male and female taken together)



Sex-wise and Area-wise Distribution of Child Labour (5-14 year) in Four States of India Table No. 5.5

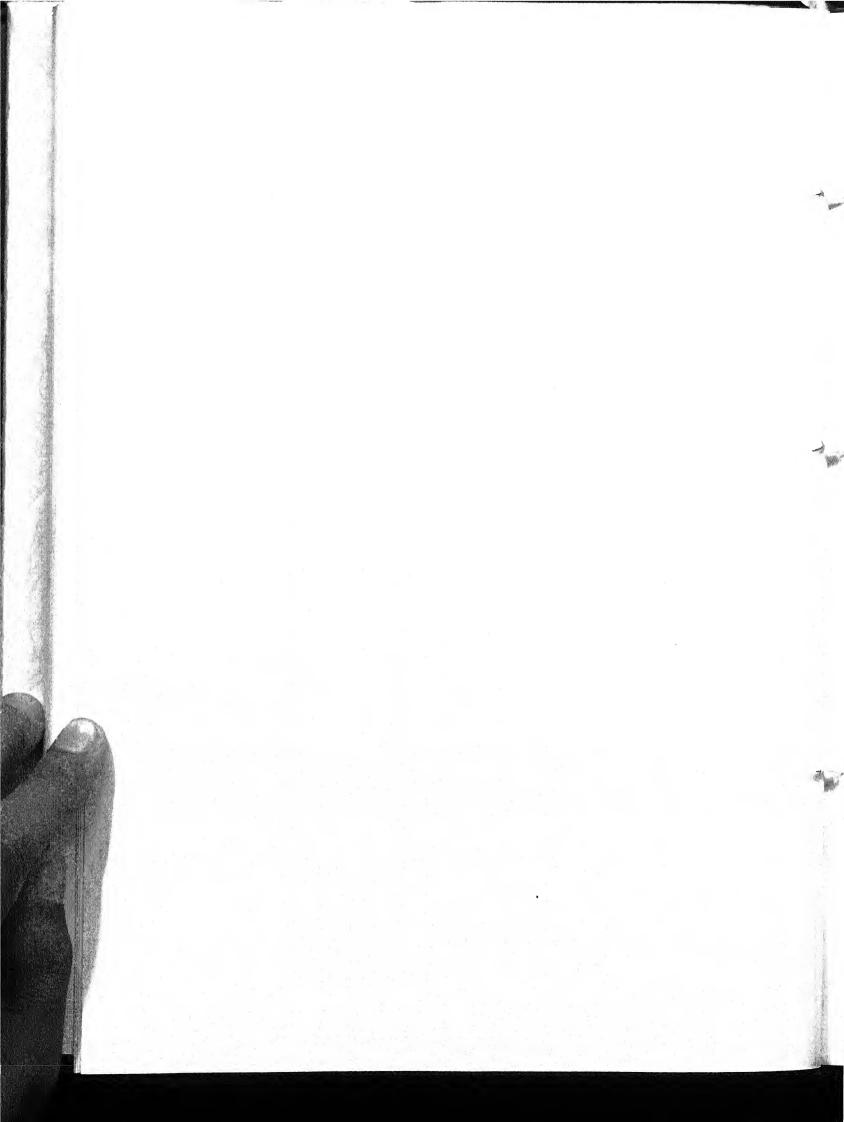
*	-		*							9	(Percentages	des *)
State	Arm C)	1981	4	1991	20	2001	2	1981	23	1991	20	2001
	2	LL		L	2	LL.	œ	כ	œ	2	œ	=======================================
*												
Punjab	68	Special Control of Special Contr	95.5	4.5	92.2	7.8	80.8	9.2	87.0	13.0		CT.
Haryana	S 0 8 3	32	80.9	19.1	78.5	21.5	93.9	6.1	92.5	7.5	10 m	Serve Serve
	-											4
Bihar	79.3		75.5	24.5	73.8	26.2	96.2	3.8	95.0	5.0	grede are of grede	V 1
	-											
Orissa		officers discount	75.3	24.7	67.2	32.8	96.5	3.5	94.9	5.1	1.35	LE:
	×						١		1			

The Percentages are out of total child labour of the respective State.

M= Male

F= Female

R= Rural U= Urban Source Computed from Census data available in D.P. Chaudhari.



while Bihar and Orissa continue to have a rather sluggish decline. However, the majority of child labourers are still found in rural areas of these States.

Extent of Child Labour in Agriculture

Children are generally employed in agricultural and nonagricultural activities in the States under reference. We have categorized these activities into three groups, namely cultivators, agricultural labourers and others. Others include children engaged in manufacturing in household industry, mining and quarrying, manufacturing in other than household industry, construction, trade and commerce, and transport. It is clear from Table 5.6 that proportions of child labourers engaged in non-agricultural activities were meager as compared to those in agricultural activities in all the four States (except female child workers in Punjab). In agricultural sector, child workers are predominantly employed as cultivators and as agricultural labourers. In Punjab, the share of male as well as female child cultivators have diminished, whereas their share as agricultural labourers has sky-rocketed throughout the period under study. More than half (51.1 per cent) of male child workers and 45.6 per cent of female child workers were employed as agricultural labourers in Punjab in 2001. Similar trend was observed in the case of male child labourers in Haryana. In Bihar and Orissa, the proportions of male agricultural child labourers were more than those of male child cultivators during 1981-2001. Similarly, more female



Child Labour Engaged in Agricultural Sector Table No. 5.6

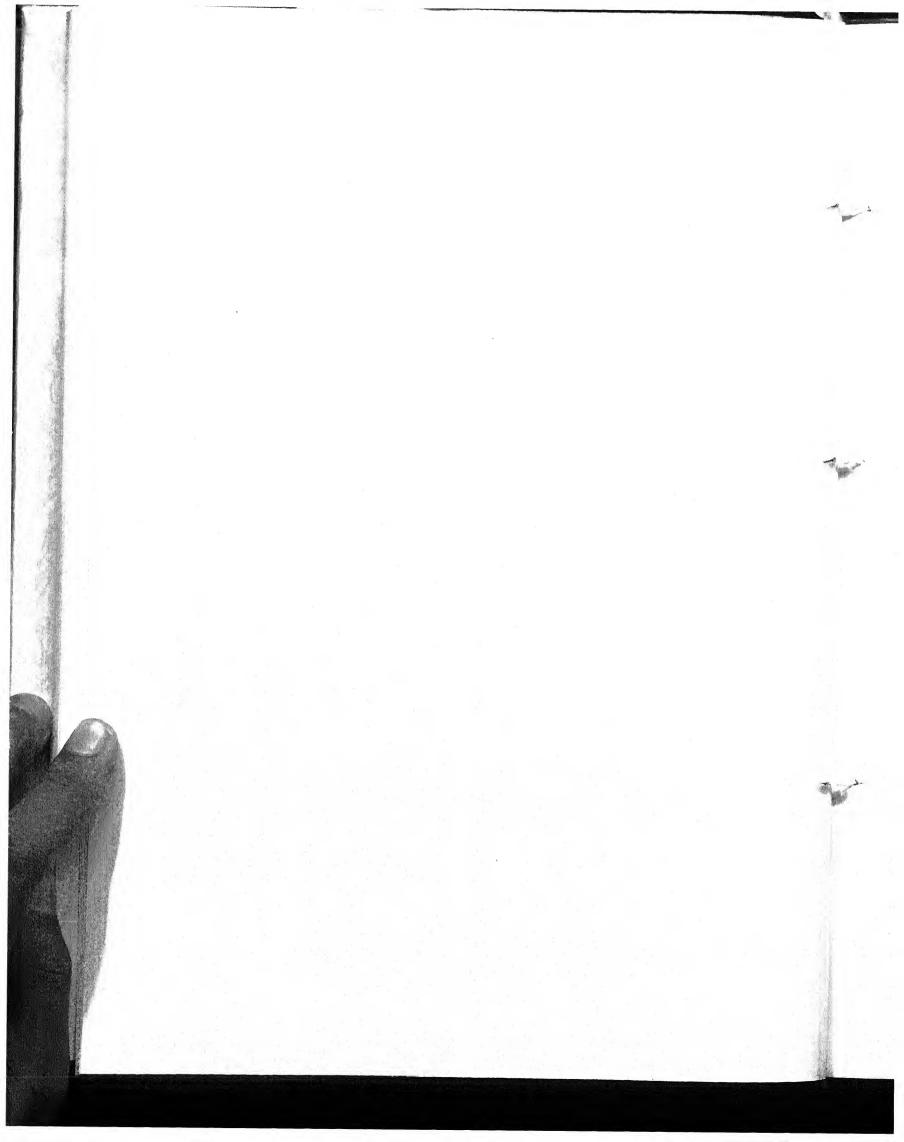
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54.0 37.1 45.1 20.4 31.4	Orissa						
20.4 (Feb. 15.0) 31.4	Cultivators	eric les 1 gamelia 7 per 1 per			10.7	00,00	22.1
314	Agricultural Labourers				57.9	67.7	62.8
	Others	**************************************	77°		31.4	20.1	70

Computed from Census data available in D.P. Chaudhari. And Government of India, New Delhi Source

Out of total male child workers

Out of total female child workers ± 22 &

Other include manufacturing in household industry, mining and quarrying, manufacturing in other than household industry, construction, trade and commerce, transport.



child workers were noted as agricultural labourers in Bihar and Orissa, though recently they have preferred doing cultivation.

Combining the above-mentioned two agricultural activities, one can infer that the proportion of male child workers engaged in agricultural sector has dropped slightly in Punjab (-3.8%) and Haryana (-0.1%), whereas the situation has been the opposite in the case of Bihar (+3.8%) and Orissa (+7.5%) during the study period.

The corresponding figures of female child workers absorbed in agricultural sector have risen by 38 per cent, 7 per cent, 1 per cent, and 24 per cent in Punjab, Haryana, Bihar and Orissa, respectively. Thus the number of female child workers engaged in agricultural sector in growing in all the States which fact needs serious attention. (Table No. 5.6)

Socio-Economic Development and Child Labour

The socio-economic indicators of development have a great bearing on the extent of child labour. Many studies lay great emphasis on the relationship between socio-economic indicators of development and child labour. Some of these studies are as under:-

In a survey of 200 families of four villages of Mohindergarh district of Haryana, S. Chander and L. Dev have found that the maximum number of parents received child income as high as 26 to 50 per cent of the total family income. Moreover, all this income was

coming from farming activities. Another study by Sukhbir Kaur11, conducted in 6 selected villages of Mukatsar district of Punjab, finds that a majority of the families were sending their children for labour due to their economic backwardness. With the pooling of children's money with the family income, the bulk of families were able to provide better food to the members of the family. The study further found that 'poverty was the major factor responsible for the child labour participation.

Another study by P.K. Mishra and B.N. Mishra organised in Cuttack city of Orissa State points out, "Owing to poverty it becomes very difficult for their parents to bring them (children) up, but to engage them in some form of economic activity to earn their livelihood and support their families."

Yet another study made in Patna by Bhagwan Prasad Singh on poverty-stricken families with large size noticed that their misery compelled them to join labour force so that they might supplement the family income. 5.5. Mehta14 has also pointed out "a highly significant positive correlation (+0.78 per cent) between the number of child labour and the number of people below poverty line in 1991." His study concludes that child labour is a symptom of poverty.

Many other studies have highlighted the issues concerning the problem of child labour -wage earning. Children contribute very significantly to their household income (B.M.Dinesh); as the earnings of family go up, the share of working children goes down faster,

especially in the case of girls (5. Murty16); the percentage of households below the poverty-line dips owing to the income from child labour (B.K.5harma and Vishwamittar7).

These studies lead us to the conclusion that low income/ poverty is the root cause of child labour. Illiteracy is another significant factor that generates child labour.

Education for children should be a basic right. It is also essential that prevention of child labour should be one of the major objectives of educational programmes. Giving priority to education is not only a way of combating child labour but also a sound economic investment. Numerous studies have examined the impact of education on the incidence of child labour. These studies, in general, agree that education does have a bearing on the prevalence of child labour (Kambargi and Kulkarnp8, Singh19 and Kumar20). It is observed that most of the parents make a straight choice between education and work. The study by R. Sharma and R. K. Sharma21 reveals a close link between education and incidence of child labour. The study finds out, "a correlation between the education of heads of the households and schooling of the child workers; these two variables have a positive correlation (r=.28). It means that "the higher the level of education of the head of the household, the higher would be the schooling of the child and consequently the lower would be the incidence of child labour."

In the study by Mahavir Jain, the relationship between literacy rate of the States and incidence of child labour has also been shown. It concludes, "In states having lower urban literacy rates, there is higher incidence of urban child labour."

The above studies spotlight that education also plays a significant role in reducing the extent of child labour.

Thus to identify the possible determinants of inter-state differentials in child labour in the four states under discussion, we have considered three determinants, namely population below poverty-line, per capita net domestic product and literacy rate.

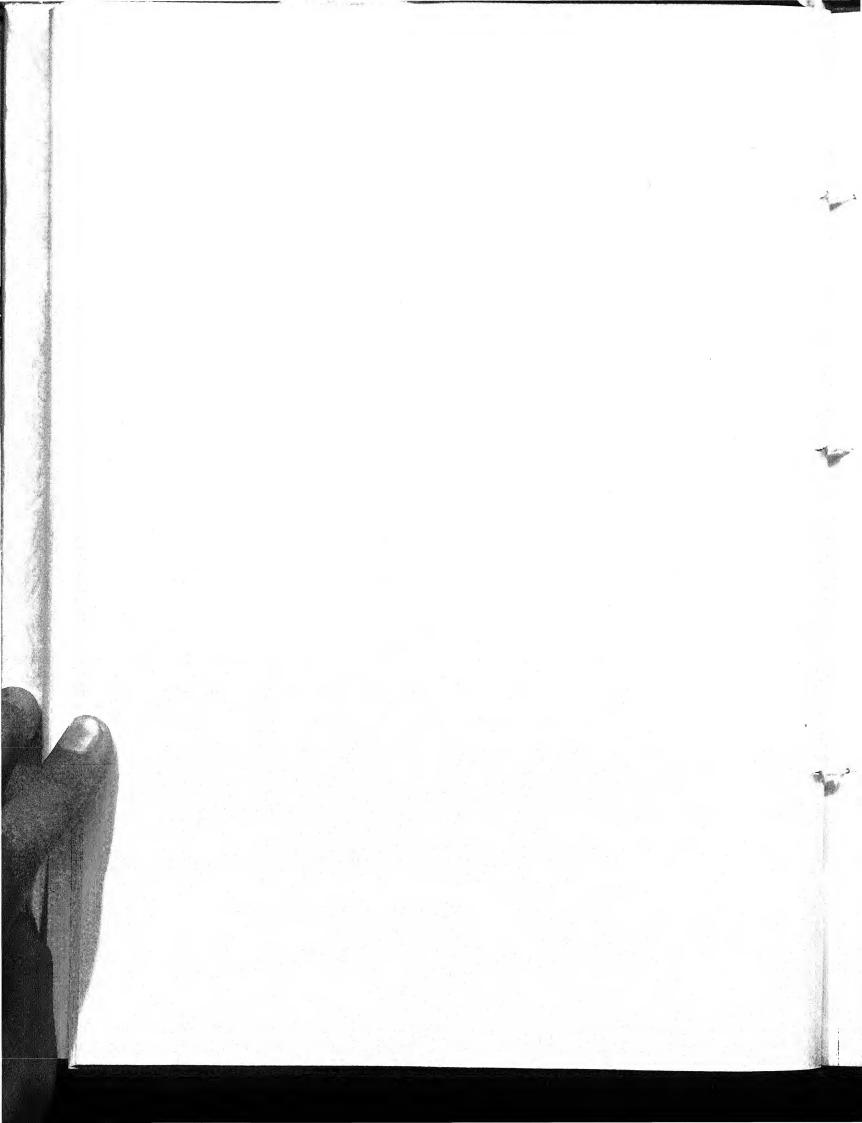
Figures shown in **Table 5.7** point out that population below poverty-line is much high in Bihar and Orissa as compared to that in Punjab and Haryana. However, the situation is improving in all the four states-Population below poverty-line turned out to be 65%, 43% and 45% in Orissa and 56%, 50% and 41 % in Bihar for the years 1987-88, 1993-94 and 1997-98 respectively. On the other hand, the corresponding percentages were 16, 14 and 7 for Punjab and 25, 16 and 12 for Haryana. Thus comparatively larger number of population was observed to be below poverty-line in Bihar and Orissa. The figures of per capita net domestic product worked out to be Rs. 8,423, Rs. 7,516, Rs. 2,539 and Rs. 3,595 in 2001 as compared to Rs. 1,070, Rs. 877, Rs. 402 and Rs. 478 in 1981 for Punjab, Haryana, Bihar and Orissa, respectively. Thus the States of Bihar and Orissa had almost less than half of the per capita income of Punjab and

Indicator of Economic Development in Four States of India Table No. 5.7

State	Per	Per Capita Net Domestic Product Current Prices (Rs.)	Net Domestic t Prices (Rs.)	mentered.	Literacy Rate	ıte	Population	Population Below Poverty-Line	ety-Line
	1981	1991	2001	1981	1991	2001	1987-88	1993-94	1997-98
doini O	0000	2000							
runjan		0797	8423				16.4	13.8	7.2
Haryana	877	2357	220	18792		-:	25.2	15.6	9
Bihar	402	943	2539		14 200 200 21 21	7 m	56.3	49.5	40.8
-									en en entre de la companya de la co
Orissa	478	600 500 600 600	3596		1 1 1		65.1	42.8	1 40

Source :-

Computed from CMIE, Basic Statistics Relating to the Indian Economy, Vol. 2 Various Issues. Census of India 1981,1991 and 2001 NSS Reports Economic Survey 1998-99. ← 0, ∞, 4,



Haryana throughout the period 1971-91. Because of low per capita income and a comparatively high percentage of people living below poverty-line, the number of literates is also very low in Bihar and Orissa as compared to that of Punjab and Haryana. During 2001, the literacy rates were 58.81, 55.85, 38.48 and 49.09 per cent in Punjab, Haryana, Bihar and Orissa respectively.

One can infer from the above facts that people of Punjab and Haryana are more educated and enjoy higher per capita income than the people of Orissa and Bihar. As a result, the incidence of child labour is also plunging at a faster rate in comparatively advanced states of Punjab and Haryana.

The above analysis leads us to the conclusion that inter-state disparities in the incidence of child labour are mainly caused by poverty and illiteracy. The results suggest that if we really want to reduce the incidence of child labour and really want to build up a strong and developed India, efforts should be made to eradicate illiteracy and raise the level of education and income, particularly in those States where the problem is very acute.

In any case, the problem of child labour demands serious and immediate attention at the national level as it is one of the major problems of the country. The situation is rather grave in the rural areas. A growing percentage of female child labour out of total child labour has been found recently in the country. Thus, there is a dire need to give special attention to the welfare of female children.

II- KERALA

India, Pakistan and Bangladesh account for the highest percentage of child labour in the world. Nearly 25 per cent of World's Working Children are in India. As regards the absolute number, the estimates of child labour vary because of conceptual differences; various official estimates place the number of child labourers between 44 million and 100 million. Child labour contributes to 20 per cent of GNP and 8 per cent of work force in India. In the midst of this, Kerala can be proud of her position as she has a low incidence of child labour in India.

Indian scenario of child labour presents some salient features.

First, there is a heavy concentration of child labour in age group 10-14 with higher proportion of males. The percentage of male child labour in total children was 2.7 per cent as against one per cent in respect of females in 1991.

Second, there is high proportion of 'nowhere children' -those who are either doing household work and not classified as economic activity or are doing nothing-in the age group 5-9 years

Third, most working children are found in the unorganised sector and in marginal Occupations on the streets viz urban informal sector.

Coming to Kerala, though the first and last futures are quite present, the second feature is not much relevant: Moreover, in urban centres migrated labour occupies an important role in the case of child labour, particularly in certain selected activities. The low incidence, composition and features of child labour in Kerala initially invites some discussion on its demand and supply factors.

Demand and Supply Aspects

Normally, the characteristics of labour market may be manifested in the following relationships:

- (a) changes in demand in response to wages,
- (b) changes in supply in response to wage changes, and
- (c) changes in wage in response to changes in demand and supply.

But the dynamics of child labour cannot be explained by wage alone; sometimes wage may be a poor variable in explaining it, particularly the case of urban child labour.

Given the competitive nature of urban labour market, it is an universally accepted truth that urban child labour is cheap. The case of rural child labour market is also not a different one. Generally, the relationship between children and work is dictated to a great extent by the stage of economic development on the system of production prevalent in a country. Consequently, a change in the economic system and the mode of production brings in a change in the

structure of labour force leading to a change in the economic role of children. Thus with the onset of industrialization and the prospect of wage labour, children have been progressively employed in industry as well as domestic and commercial establishments. Government reports in 1983 showed 17.4 million children below the age of 15 in the labour force, constituting 6.8 per cent of the rural labour force and 24 per cent of the urban labour force (*Ahuja and Jain*, 1998). This large demand for child labour is attributed to two factors.

- (1) Employing children is a cheap and hence a more profitable one.
- (2) The special characteristics of children which lead themselves to employment in certain industries.

The factors affecting the supply of child labour can be grouped into quantitative and qualitative. Natural population movements, share of children in the population, composition of children in different age-groups etc. are the quantitative factors. The income level and poverty of the family, the educational level of parents, the educational system and its quality the status of the family, caste etc. determine the qualitative factors. It is generally recognised that poverty and educational system are the two leading factors affecting the supply of child labour. In fact, there are two schools of thought in this regard - 'Poverty School' and 'Education School'. According to the former, the children who enter the labour market are compelled to do so because of the poverty of their families which restricts them to send their children to school. To them, children are economic assets in this

context. But the advocates of education school argue that it is not the poverty but the inadequacy of the school system itself is the cause for child labour. The quality of schools is so poor that parents are reluctant to send their children to them and children are not motivated to attend either. Then a question arises: which of these factors is pertinent in our situation? In fact, these two factors alongwith the social, cultural and traditional factors account for the supply of child labour. However, one can be justified if it is argued that the push factor, the poverty of the family -is the major factor among all these.

Kerala and Child Labour

Kerala's uniqueness is present even in the case of child labour. On the one hand, the problem of child labour is not acute in the state when compared with her counterparts but on the other child labour in urban Kerala is low when compared with all India average as evident from Table 4.8.

Table 4.8

Percentage of Child Labour in Urban Kerala and India

Years		India	Kerala
1961	M	3.5	2.2
	F	1.6	1.8
1971	M	2.8	1.3
	F	0.8	1.4
1981	M	2.5	0.7
	F	0.9	1.8
1991	M	2.2	0.5
	F	0.9	0.4

Source: Census of India, 1991; Chaudhari (1996).

The low incidence of child labour in Kerala can be analysed with theoretical justification. According to the advocates of 'Education School' it is absolutely necessary to make primary education compulsory for all and to reform the education system to make at more enjoyable for children. Though Kerala has not succeeded in reforming the primary education, it has exceeded in extending primary education to all. This is the major reason why Kerala has a low incidence of child labour.

Whether the percentage of child labour (be it urban or rural) is low or high, the problem does exist in Kerala and hence it need to be addressed properly. In this context, the present study is carried out in an Urban setting, *viz.* Kochi City, to look into the grave nature of the problem of child labour in urban informal sector.

Child Labour and Informal Sector in the Urban Setting of Kochi

At the outset, the study conducted in the urban setting of Kerala confirms the view that it has a low incidence of child labour. Out of 452 micro-enterprises surveyed, hardly 34 units employed some kind of child labour. It is interestingly found that most of them are associated with certain peculiar activities. The study was actually confined to manufacturing and service sectors. Job work, rubber and plastics, footwear, machine components, ready-mades, food products, repair and servicing etc. are the activities covered in manufacturing sector. Trade, hotels and restaurants, and personal

services are the activities covered under service sector. In manufacturing sector, child labour is found to be working in three activities only *viz.* foot products readymade and repair and services. The number of children engaged in these activities are 3, 4 and 6 respectively in 8 enterprise altogether. Naturally they are mostly concentrated in service sector where they engage as sales boys in textiles and hotels and restaurants, garbage collector and finally as ironing workers in personal services. The number of children reported in these activities are respectively 5, 7, 10 and 6 in 26 enterprises.

Apart from their concentration in certain peculiar activities, child labour in urban informal sector presents some other features.

- 1. There is domination of males. It is reported that all child labour belong to the age group 10 to 14 with a high proportion of males. Only 3 females are found to be working and that too in two activities only, viz. readymade and food products.
- 2. The migrated labour occupies an important position, particularly in certain activities. It is shown that ironing workers are exclusively by Tamil child labour. Their proportion is high in hotels and restaurants as they are 6 out of 10.
- 3. They are mainly constituted by lower castes.

In the case of both domestic and migrated child labour caste plays a decisive role. Along with this, their entry into labour market is made possible by factors like age, relation with employer, sex and activity.

These 'pre-entry' factors ultimately lead to the formation of 'fragments' of child labour in the working place. Hence, fragmentation of child labour market in a mild form is the last feature of this setting.

Consequences

Owing to the factors mentioned above, the wage packet offered to child labour in the sector is comparatively low. The average wage paid to them ranges from 1/7 to Ih of the average wage paid to an adult labour, depending on the activities they engage in. It is evident from **Table No.5.9**

Putting in long working hours, insecurity of employment etc. are other crucial problems faced by Child labour. Children in the present setting, like other situations, are expected to leave the sector before they attain the age of 15 and hence there is no security of employment. Ironically it is damned sure that they have to leave the present enterprise when they attain the age of 15 or before. In short, for the purpose of supplementing the family income or for their mere survival, child labourers are exploited in the working in different ways and several methods.

Conclusion

Generally, the problem of child labour poses two issues. The first concerns with their concentration in informal sector and the

Table 5.9
Income of Entrepreneur and Wages Paid to Adult and Child Labourers

income of Entreprenet	ir and wages	s Paid to Adult a	nd Child Labourers
Activities In	come of	Average	Average
Sec.)	ntrepreneur	Wage to	Wage to
		Adult Labour	Child Labour
	lonthly)	(Monthly)	(Monthly)
1. Manufacturing:			
Food products	3650	1850	450
Readymade,	3113	2050	350
Repair and Service 5280		1800	300
2. Service:	4		
Trade in Textiles	4208	1500	600
Trade in Waste item	s 7000	2100	750
Hotel and Restaurant 4012		1400	300
Ironing works	2580	900	400

Source :- Survey Data.



second relates to the eradication of the problem as such. To an ordinary man, the first issue has no relevance at all as The Child Labour Prohibition and Regulation Act (1986) prevent child labour from spreading to organised sector. But the fact is that there is no constitutional provision for elimination of child labour. Article 24 of the Indian constitution states that no child labour below the age of 14 will be engaged in any factory or mines or any hazardous employment. The 1986 Act also has made provisions only for regulation of child work, thereby ironically, it legitimize child labour. The second issue is really the reflection of poverty in the family. It is said that in a country like India child labour cannot end until poverty ends.

The remedy for all these issues is the eradication of poverty, but it is not easy. At this juncture Kerala's experience in minimizing the incidence of child labour by providing free and compulsory primary education has to be discussed. "t course, Article 45 of Indian Constitution makes provision for free and compulsory education to all children upto the age of 14 years, yet the ground realities are a sad reflection on the Indian policy that 50 per cent of children in the agegroup 6-14 are out of school even after 51 years of Independence. As far as Kerala situation is concerned the awareness programme may be given an important role. No doubt, it has a general validity also. The focus in the awareness programme should be on a central issue: viz, the real cost of children. It must be noted that employment of every child labourer represents a loss of employment of adult labour. But the major fact to be considered is that their employment deprives them of the opportunity to develop themselves physically, emotionally

and intellectually. Ultimately, child labour depress human capital formation. This results in enormous loss to the child as well as to the society. Starting as a child labourer, a person may derive a small sum in his entire life in relation to the income that he would have earned from the labour market after improving his skill and efficiency through human capital formation. Attempts should also be made to control the flow of migrated child labour. In this respect, the problem must be seen more of social attitude and sensibilities than anything else. What is therefore needed in an urban setting like Kochi is a package of awareness programmes so as to realise the people about real cost of child labour and to change the attitude of parents towards the child labour.

CHAPTER 6

6. CHILD LABOUR IN DIFFERENT INDUSTRIES OF INDIA

- 6.1 Beedi Industries
- 6.2 Silver Industries
- 6.3 Silk Industries
- 6.4 Handwoven Wool Carpet Industries
- 6.5 Garage Industries



CHILD LABOUR IN DIFFERENT INDUSTRIES OF INDIA

A. BEEDI INDUSTRIES

The agent would beat me with a stick if I was not there on time, he beat me if I could not roll 1500 beedies a day, and he beat me if I was tired. I had to roll eight beedies a minute. If I failed he would beat me. If I looked around, he beat me. He made me put a matchbox under my chin; if it fell, he would beat me.

--Panjaran, ten years old, pledged at the age of six for a 500 rupee advance.

A beedi is a hand-rolled cigarette. With more than 500 billion beedi cigarettes produced and smoked each year, beedi is one of India's most significant domestic products. More than 325,000 children labour in the beedi industry, most in the southern state of Tamil Nadu.

Beedi rolling is stationary work; the children sit cross-legged on the ground or floor all day, with a large and smoothly-woven shallow basket in their laps. The basket holds a pile of tobacco and a stack of rectangular rolling papers cut from the large leaves of the *tendu* plant. The child takes a paper, sprinkles tobacco into it, rolls it up tightly, and ties it with string. The tips are closed either by the roller herself or

by a younger child, typically four to seven years old; young children often begin their beedi careers by working as tip closers.

The pace is rapid, and most of the older children--those over ten--roll 1,500 to 2,000 beedies each day. In order to encourage speed, employers keep close vigil over the child workers, scolding them or hitting them if they slow down. Some children are forced to work with a matchbox tucked between their chin and their neck; in order to hold the box in place, they must keep their head down and focused on the work. If the matchbox falls, the employer knows the child has looked away and will punish her or him.

Children working under bondage in the beedi industry work between ten and fourteen hours a day, with short breaks for lunch and dinner. They work six and a half days a week year-round, but are only paid for six--the half day on Sunday is a designated "catching up" day. When children fail to report to work, either because of sickness or out of rebellion at the harsh conditions, their employer often will go to their house and forcibly return them to work.

1. The Structure of Work and Bondage

Often, entire families are dedicated to the production of beedi. Usually it is the children who work as bonded laborers, with adults managing to buy their own freedom by the time they reach maturity or marry. For these poor families, bondage is a cyclical phase, with successive generations repeating the steps: as children they are

bonded, as young adults they buy or win their release, and as mature adults they eventually succumb to financial pressures and turn their own children over to the beedi bondmaster.

The structure of debt repayment in the beedi industry is different than in other bonded industries, where at least some of the child's labour value serves to whittle away at the principal amount owed. In beedi, the "advances" given to secure the child workers are not paid off by the child's labour, no matter how long he works for the bondmaster. In fact, they are not really advances at all, but loans, against which the child's labour functions as both surety and interest.

Regardless of the amount borrowed, these loans must be paid back in a single lump-sum payment. The child will not be released otherwise, no matter how many thousands of rupees his labour brings to the agent over the years. This lump-sum debt cancellation is an onerous requirement. Often, the only way a parent can come up with sufficient funds is by securing a larger loan from another agent or by bonding another child.

Bonded beedi rollers are paid between 20 and 30 percent of the wages they would be entitled to on the open market. The remaining 70 to 80 percent of the value of their wages is kept by the agents, presumably as interest. This system results in effective annual interest rates ranging from 300 to 500 percent. The meager daily wages of the children are further reduced by "penalties," which are

often bogus, but are stated to be for sloppy work or other minor infractions.

A look at the production and earnings of some bonded beedi rollers demonstrates just how lucrative this arrangement is for the bondmaster:

Twelve-year-old *Raju* was pledged at the age of eight in exchange for a 1,500 rupee loan. He rolled 1,000 beedies a day, for which he earned six rupees. The government-established minimum wage for rolling beedi in Tamil Nadu is 30.90 rupees per thousand beedies. After paying Raju his six rupees, then, the agent cleared a minimum of twenty-five rupees of labor-cost savings *every day*, enough to compensate him for the original loan in a mere two months. Instead, Raju worked for the agent for four years, netting his employer about 40,000 rupees in the process.

Kalidasbhai, thirteen years old, earned ten rupees a day for rolling 2,000 beedies, netting his agent more than fifty rupees daily. This would have been enough money to clear the original debt of 2,000 rupees in a month and a half. Instead, when interviewed, Kalidasbhai was in his seventh year of working for the bondmaster.

Twelve-year-old *Katankari* earned five rupees a day for rolling 1,500 beedies. Her agent kept the other forty rupees to which she was entitled. Had the value of her labour been applied against her parents' original loan of 1,000 rupees, she would have been free in three and a half weeks. She was in her fifth year of bondage when interviewed.

These are typical cases. Other children suffer even more severe exploitation. Ten-year-old Kumar earned only two rupees a day for rolling 1,500 beedies. The loan taken against him was for 500 rupees. At his rate of production, his original debt obligation should have been cancelled in less than two weeks. He worked for his agent for four years before his father, concerned by the agent's abuse of the boy, managed to free him. Several other children interviewed also earned only two or three rupees a day.

Children selling their labour freely earn four, five, or six times as much as their bonded counterparts. Sixteen-year-old Appanraj rolled 1,500 cigarettes a day and earned fifty rupees. Fourteen-year-old Mamta earned forty rupees a day; before her liberation by a nongovernmental organization, she earned five to ten rupees a day for the same amount of work. Prabhu, fifteen, was also freed three years ago and saw his earnings quadruple overnight, from nine a day to forty a day. Once fairly compensated for his work, he was able to both pay back the loan that freed him and support his family.

2. Employer Abuses

Punishment is common for a variety of infractions: arriving late, working slowly, making a mistake in the work, or talking to other workers. Even missing work because of illness can lead to punishment. Most children reported frequent scolding and beatings, usually blows with the employer's open hand on the arms or head, or beatings on the arms with sticks. Other researchers have found more extreme examples of abuse at the hands of employers. Until the early 1990s, the matchbox-under-the-chin form of compulsion and control was quite common, and even measures such as chaining children in place were not unusual. As recently as 2003, a social worker found a fourteen-year-old beedi roller who was kept shackled in leg irons. The boy, who had been bonded for 2,000 rupees, had once attempted to escape, and his employer had kept him in shackles ever since. These abuses have decreased markedly in villages where social activists have been working to increase public awareness, but there is no evidence to suggest that the practices have changed significantly in more remote villages, where intervention has not taken place.

Sumathi, a twelve-year-old girl, is the oldest sibling of five. Three of the five children are girls, and the three sisters all rolled beedi. The youngest, eight years old, worked at home as a tip closer. The second, nine years old, was bonded to an agent three years ago for an advance of 1,000 rupees; she worked full time as a tip closer, earning only three rupees a week. Sumathi herself was bonded when

she was seven in exchange for a 1,000 rupee advance. She rolled 1,500 beedies a day, for which she earned five rupees.

My father and mother force me to go to work with the agent. The agent often beats me. If I tell my father, he allows me to stay home the following day, but then they are pushing me to go again. My father and mother say I have to go. I don't want to go. I am afraid of my agent. But my parents force me to go, if I don't go they scold me and beat me.

Every week the agent gives my wages to my parents. If it is less money than usual, they beat me.

In my family there are seven members, so it is difficult to even get enough food to eat. That's why my father goes to the agent--to ask for more money. But the agent won't give it, because he says I don't work hard enough. But every day I am being sent back to the agent.

Munirathna, also a twelve-year-old girl, was sold into bondage when her father died in 1993. She worked for the bondmaster ten hours a day, six and a half days a week. She was paid twenty rupees a week. There are six children in Munirathna's family: two boys and four girls. One boy studies and the other is an electrical worker. Munirathna is the oldest of the girls, all of whom roll beedi. She stated: "I am very sad that my father died; so is my mother. Whenever I go to work for the agent he scolds me. I am very sad with my life."

3. Health Hazards

Rolling beedi is so hard. We sit all day. My back hurts. I want to be able to play.

--Kumar, eleven-year-old boy.

Beedi is one of the twenty-five industries classified by the Child Labour Act as hazardous. Beedi rollers suffer chronic back pain from sitting hunched over their work all day. The long hours of maintaining this unnatural position sometimes interfere with normal growth patterns, causing stunted growth or physical deformities among those who spend their childhoods rolling beedi. As adults, these children will be restricted in the types of work they are physically able to do; they will not be able to perform hard manual labor and may in fact be restricted to beedi rolling for their entire productive lives. Large muscle groups are neglected and atrophy during years of sitting six and a half days a week, for twelve or more hours a day. In the words of one local beedi activist, the children grow up "small, puny, and malnourished.

In addition to back ailments, many of the children interviewed complained of pain in their hands and wrists, which suffer from the constant repetitive motion of rolling and tying the cigarettes. "My hands would hurt so bad sometimes I thought I couldn't work," said Chintamani, a twelve-year-old boy who had been rolling beedies for three years. But, as Chintamani's mother pointed out, he had to work

despite the pain. "If the child misses work because he is in pain or sick with fever or disease, the agent will beat him and take him back," she said.

The damage to the body is cumulative and progressive.

As the worker gets older her/his fingers become numb and, unlike a young worker, an older worker has to make three or four attempts to roll a beedi. The nature of beedi work is such that a worker cannot take his/her eyes off it even for a moment if he/she is to make the required number of beedies for a day. This takes its toll on people's eyesight as they grow older.

The most serious health hazard of the beedi industry is lung disease. Beedi rollers spend their lives constantly inhaling tobacco dust, and study after study has shown them to suffer a high rate of tuberculosis, asthma, and other lung disorders. Of the twenty-six child beedi rollers we interviewed, six (23 percent) had parents who were either dead or dying as a result of tuberculosis. If the cycle continues unchanged, in twenty-five years these children will themselves be dying, while their own sons and daughters breathe tobacco dust and grow feeble.

4. Domestic Law

In addition to the laws forbidding bonded child labor generally (the Bonded Labour Act and the Children (Pledging of Labour) Act),

child labor in the beedi industry is regulated by the Child Labour Act and the Beedi and Cigar Workers (Conditions of Employment) Act of 1966. The Child Labour Act prohibits the employment of children in twenty-five enumerated hazardous industries, beedi among them. The Beedi Act prohibits the employment of children under fourteen in any beedi or cigar factory. This act, however, only applies to "industrial premises," defined as "any place or premises (not being a private dwelling-house)," where the beedi process is carried on, with or without the use of power.

Not surprisingly, after passage of this protective measure, the beedi manufacturing units began to disperse. Large rolling centers were disbanded and the contract system grew. Under the contract system, the owner distributes tobacco and *tendu* leaves to middlemen, who in turn contract local agents. These agents either employ beedi rollers directly, in the agent's home, or farm the work out to daily wage laborers. Those who work out of their own homes usually do so with the help of family members (the youngest child may close the tips, another may cut the leaves, and so on). These extremely decentralized processes free the owner and his agents from worrying about compliance with the law.

As with the Beedi Act, loopholes in the Child Labour Act allow manufacturers to escape application of the law. First, the Act does not apply to any workshop "wherein any process is carried on by the occupier with the aid of his family." After passage of the Child Labour Act, the beedi industry intentionally fragmented itself even further in

order to avoid coming within the terms of the Act. By 1996, approximately 90 percent of beedi rolling took place in private homes, either the house of a contracted worker or the house of the contracting agent. In the former case, a child working with one or both parents is not protected by the Child Labour Act. In the latter case, a child worker should be protected by the Act, but often is not. This is because, as previously mentioned, contracting agents lie, claiming that the children are relatives in order to avoid application of the law.

B. SILVER INDUSTRIES

The city of Salem, Tamil Nadu has been a major producer of domestically-consumed silver jewelry since 1980. An estimated 10,000 children work in the silver smithies of Salem district. In one town, there were five hundred occupants, two hundred of whom were children under the age of fifteen. One hundred and thirty-five of these children were labouring in the production of silver. It is an entirely bonded industry.

Boys and girls enter the industry in equal numbers, usually between the ages of five and eight. Most remain bonded and continue working in the silver industry throughout their childhood and adolescence. During this time, they may move from employer to employer, receiving a bigger advance from their new employer so that they might both pay off their previous employer and enjoy a small, and temporary, boost in their cash flow. This new and higher debt must then be worked off or passed on to a younger sibling when the worker leaves the employer. All girl workers expect to leave their jobs at the time of marriage. Young men may try to eke out a living through agriculture, or stay in silver and work their way up the wage scale. The maximum pay for a man with twenty-five years of experience is forty rupees a day.

The average advance for a six-year-old is 5,000 rupees. Although interest is not added to the principal amount owed, the extremely low rate of wages paid makes for effective annual interest

rates in the range of 300 percent. Unlike beedi, agents in the silver industry do allow gradual repayment of the initial advance. Given the low wages paid, however, only the oldest and most skilled workers stand a chance of actually paying back their loans. Beginning children earn one to five rupees a day, while accomplished child workers earn ten rupees a day. Workers fifteen and older can make as much as twenty or twenty-five rupees a day; these wages reflect ten years or more of experience.

Depending on the employer, children work six days a week, six and a half days a week, or twenty-eight days a month, with the days of the new and full moon off. The typical work day is twelve hours long, from 8:00 a.m. to 8:00 p.m. This increases by up to four hours a day during the two or three months preceding Diwali, the "festival of the lights" and the Hindu New Year.

1. Health Hazards and Employer Abuses

Children work in a variety of jewellery-making phases. They create link chains, flatten the chains with heavy hammers, and weld on decorations and fasteners. Children also polish and finish the pieces of jewellery, turning them from dark brown metal into gleaming trinkets. Each one of these processes carries its own risk. Several children interviewed showed us their work scars: cuts and burns on their fingers, hands, arms, legs, and feet. These injuries are caused

by the metal and metalworking tools used to cut and fashion jewellery, the blowtorches used to weld it, and the acid mixes used to polish the final silver product.

The detail work of cutting and fashioning chains creates eye strain and headache. This is exacerbated by the requirement that the children remain still for long periods of time and work quickly, with intense concentration. One boy demonstrated how to make a chain. In less than two minutes he had created four inches of chain, rapidly snapping tiny circles off a tightly-coiled rod and then quickly pinching them together with a pair of pincer pliers. Children are expected to maintain this pace during their twelve hours or more of work. In addition to damaging the eyes, there is a constant danger of cuts to the hands and fingers.

When welding, the children are given no protective masks or goggles of any kind. The blowtorches used are primitive contraptions, fuelled by kerosene and with an unregulated flame. Because it is detail work, as the children weld they must keep their eyes near the point of junction, looking straight into the flame. Welders' eyes sting and tear, their vision becomes blurry, and sparks sometimes fly into their eyes. Burns from welding and falling pieces of hot metal are other routine workplace dangers. Two children reported incidents of hammer heads flying off without warning.

The jewellery-polishing process is extremely hazardous. It requires children to drop the completed pieces into sulphuric acid

until they turn the bright white of silver. Wearing no protective gloves, they have to mix the acid as well, and during both the mixing and the polishing stages they suffer chemical burns on their hands, arms, legs, and feet.

Long-term health hazards include: lung diseases, caused by breathing the sulphuric acid fumes; tuberculosis, caused by the cramped and unsanitary conditions; and physical deformities, particularly of the back, caused by the long years of working in a hunched and still position.

2. Domestic Law

The Factories Act forbids the employment of children less than fourteen years old in "factories," defined as workshops employing ten or more people with the use of power, or twenty or more without the use of power. The size of the silver smithies is often large enough to bring them under the purview of the Factories Act. Several children reported working in factories of more than ten employees, and one reported working in a factory employing twenty-five children and a number of adults. Because even small shops rely on the use of power for welding, the Factories Act would apply in both such cases.

The Act not only prohibits the employment of children, but also sets forth health and safety guidelines that are routinely violated by the conditions and practices of the silver smithies. These include ventilation requirements where injurious fumes are present, a

prohibition on the use of dangerous machines by children and adolescents, and limitations on exposure to chemical and toxic substances. Stipulated working hours and periods of rest are also flouted as a matter of course, as are the regulatory provisions of the Child Labour Act.

As of the author's visit in December 1995, there had been no effort by any government official to inspect or control these factories or to enforce the legal prohibitions on bonded child labour. When questioned by the author regarding government action and policy in this area, the Salem district project officer for child labour declared that, "In Salem totally there is no bonded labourer children. Definitely not.

3. Testimonies of Bonded Child Silver Workers in Salem

Selvakumar, a twelve-year-old boy, was sent by his parents to the silversmith at the age of eight because he was "not studying properly." They received a 3,000 rupee advance for their son; his mother later approached the employer for additional loans, which he gave her. Selvakumar's work schedule varied according to the season. During the months leading up to Diwali, Selvakumar worked from 7:30 a.m. until midnight or 1:00 a.m. the following morning. After the holidays, the demand for silver dropped, and the silver smithy returned to an 8:00 a.m. to 8:00 p.m. schedule. At the time he left the shop, Selvakumar was earning 350 rupees a month.

He described the work as very difficult and hot. His job was to weld small decorative flowers to the jewellery and weld screws on to earrings.

Very small pieces have to be placed in very small and precise spots. We used a small wire for this job, like a bicycle spoke. Sometimes the owner would beat me with this hot wire if he thought I wasn't working properly. He would take the wire and beat me on the arms.

After three years, Selvakumar ran away from the factory. The first time he ran away, an older brother found him and brought him back. The second time, the owner found him at a shelter for street children, but the shelter's director refused to turn him over to the man. His mother then came and took him back to the factory, but he did not last long. He ran away a third and final time. Selvakumar did not return to his parents' house and assumed that they had to pay back the original loan. Selvakumar was interviewed at a shelter for street children.

Manojan, also twelve, could not remember when he began working, only that it was a long time ago. He worked as a welder, sitting in one spot from 8:00 a.m. until 8:00 at night. Manojan worked with a crude blowtorch, welding together the tiny silver links and decorations of bracelets and necklaces. He had no mask to protect him from the flame, and his eyes teared continuously from staring at

the junction of flame and fine metal pieces. He earned ten rupees a day.

Manojan's four brothers also worked in the silver smithies. His sister, the eldest child, also worked in silver, until she married. Then she left the industry and a young brother was brought in to assume her duty of debt. Manojan became bonded for a 2,000 rupee advance, his sister for one of 3,000 rupees. She was bonded eight years ago. Despite her eight years of work for wages one-third of the average minimum wage, her debt to the bondmaster was never reduced; when her younger brother took her place, he inherited her full original debt.

Vennila, a fifteen-year-old girl, had been working in the silver industry for five years at the time of our interview. Twenty-five people worked in her factory (enough to bring it under the provisions of the Factories Act). The workers ranged in age from five to fifteen and earned between five and twenty-five rupees a day. She herself earned twenty rupees a day.

She and her brother were bonded at the same time in exchange for a 10,000 rupee advance. Her parents needed the money to pay off a loan from the local moneylender, who charged a twenty percent interest rate. She worked from 8:00 a.m. to 7:00 p.m., six days a week. She was planning to stop working when she married, leaving her brother to repay the total debt.

We lost all our chances at an early age. When I'm working in the shop, I can see the children going by to school. I wish I were with those school-going children.

Dhanraj, a nine-year-old, showed us the burn scars on his arms. He began working at the age of six. Dhanraj was bonded together with his three siblings after his father fell ill from emphysema. The four children together netted an advance of 14,000 rupees.

Ramchandran, working in silver since the age of five, was fifteen years old. He earned twenty rupees a day, working eleven hours a day, six days a week. He was taken to his first master by his father, who received 100 rupees in exchange. In late 1995 he owed 4,000 rupees, which he was paying back at the rate of 300 rupees a month--half of his salary. He hated the work but knew he could not leave until the debt was cleared.

Papu claimed to be seven but had the body of a four-year-old. He worked eleven hours a day, for which he earned two rupees. He knew that his father received some money when Papu was first taken to the master, but he did not know how much it was.

Shabnam, a thirteen-year-old girl, had been working in the silver factories for eight years. She worked all day, with a half-hour for lunch, and earned thirteen rupees. She was pledged together with her brother for an 8,000 rupee advance. If the master had applied but

one and a half rupees per day of work toward liquidation of their debt, an amount that would have still left him with the lion's share of unpaid market-rate wages, both she and her brother would have been freed after eight years. Instead, they said they would be bonded indefinitely.

C. SILK INDUSTRIES

The production of silk thread and the silk saris woven from that thread is a significant domestic industry, both economically and culturally. Two Indian cities, Varanasi in the north and Kanchipuram in the south, are famous for their elegant silk saris. A moderate Kanchipuram sari sells for about two hundred U.S. dollars, more than the annual wage of most Indians.

Bonded child labour is used at all stages of production: reeling the silk fibbers from the cocoons, twisting the fibbers into thread, dyeing the silk, preparing the looms for weaving, weaving itself, and assisting the master weavers with the most complex work. This article discusses two main stages of production: silk reeling and twisting, and silk handlooms. The rate of bondage for these child workers is 100 percent.

It is not unusual for children as young as five to begin working in the silk industry. Some work alongside their bonded parents, assisting them as they weave fine saris. Others are contracted out to silk twisting factories or work locally as silk reelers, pulling the fine threads off the boiling cocoons. Still others are bonded to employers of relatively modest means, who may have only two looms in their houses and their own children working alongside the bonded children. All of these children earn very low wages, typically ten rupees a day or less, suffer occupational hazards and the threat of employer abuse, and are not free to leave their employer for any

reason. They are, in the words of one researcher, "cage-birds . . . condemned from their very birth to be captive workers.

1. Silk Reeling and Twisting

Ninety percent of India's silk thread is produced in the southern state of Karnataka, where approximately 400,000 people make their living on the cultivation of silkworms or the production of silk thread. An estimated 100,000 of these workers are children.

a. Silk Reeling

Reeling is the process by which the silk filaments are pulled off the cocoon. The cocoons are cooked in boiling water in order to loosen the sericin, a natural substance holding the filaments together. The reeler dips his or her hands into the scalding water and palpates the cocoons, judging by touch whether the fine threads of silk have loosened enough to be unwound. When they are ready, the worker finds the ends of eight to ten filaments and gently begins to reel them off. The average length of a single unbroken filament is 700 meters.

More than 80 percent of silk reelers are under twenty years of age, with most of them between ten and fifteen years old. As in other industries, the myth of children having natural advantages and skills is used to justify the exploitation of young girls and boys in this dangerous work. As one writer put it, "much of the manual work . . . requires skills and a delicate touch, for which the supple hands of

children are regarded as more suitable." The children are not permitted to use spoons instead of their hands when checking the boiling cocoons, on the theory that their hands can more easily discern when the threads are ready to reel.

We spoke with two boys who worked as silk reelers in the Karnataka town of Ramanagaram, India's largest cocoon market. Ajad and Marukh, both ten years old, had been working in the silk industry since the age of five--Ajad for an advance of 1,000 rupees and Marukh for an advance of 5,000. According to the boys, the advances are given in order to keep the children tied to the employers and to prevent them from leaving the factories. If they try to leave they are beaten. The children earn twenty rupees a day for reeling the threads off the boiling cocoons, as compared to ten rupees a day for other jobs. Their work hours vary tremendously with the seasons, depending on market demand and cocoon availability.

We initially identified Ajad and Marukh as silk reelers on the basis of their hands. Their palms and fingers were white with the thick tracks of fissures, burns, and blisters.

b. Silk Twisting

Silk twisting (or twining) is the process whereby individual silk threads are twisted into a strong multi-ply thread. Twisting usually takes place in small factories with between fifty and a few hundred spindles. In one *taluk* (subdivision of a district) alone, there are about

one hundred twining factories, employing more than 8,000 children, all of them believed to be bonded.

The children tend to the spindles, fitting them with thread, correcting deviations, and performing other routine tasks. Most of the factories we saw were dark and stuffy, with doors shut and windows barred, filled with the deafening racket of the clacking machines.

Advances from twining factory owners range from 2,000 to 10.000 rupees. During the first six months of their employment, children earn just two or three rupees a day, enough for a snack, or, for those living far away, enough for bus fare to the factory. After this initial "training" period ends, children earn between fifty paise and two rupees an hour, depending on their age and skill. The typical work day is from 7:00 a.m. until 8:00 p.m., not including transit time to and from the factories. Child workers, who are recruited from all the villages in the area, travel an average of twelve kilometers to the factories where they work. Many children spoke to us of their walk home from work as their only pleasure of the day, a chance to relax and talk with their friends. The walk to work in the morning, on the other hand, is filled with anxiety. The work is difficult and the days are long, and they face beatings and scoldings from their employers if they slow down or ask questions. The bondage in some cases is tangible; a pair of Belgian investigators who visited the area in 1995 found several instances of children being locked inside the factories to prevent their exit during the frequent power outages.

When they reach the age of seventeen or eighteen, the children are fired. As adults, they would be entitled to higher wages. Rather than pay these wages, the employers dismiss them and bring in a new batch of younger children to take their places.

i. Testimonies of Bonded Child Silk Twisters

Mylappa, an eight-year-old boy, had been working in a silk twisting factory since he was five. There were six members in his family. All six were bonded by a single loan of 14,000 rupees, taken by his mother after his father died.

Mylappa earned one rupee an hour and worked twelve hours a day. He and the other workers did not receive wages for the frequent periods of power shutdowns, but were nonetheless required to remain in the factory, available to do whatever odd jobs the employer might request. Mylappa was scolded if he arrived late to work, and his legs hurt from standing all day. When he asked for a raise the owner beat him.

Mylappa's fingers were frequently cut, and his legs and hands were sometimes injured by the twining machines. When he was injured, the owner refused to send him for medical treatment. Mylappa explained that he could not join another factory where he might earn more or be better treated because of the advance from the current employer.

Mylappa walked two kilometres to work, worked until 9:00 p.m., and then walked home with his friends. He reported being happy at the end of the day because the tension was finally over. On the way to work he was always tense and nervous, thinking about the upcoming long day and the dangers of the employer and the machines.

Kali, a nine-year-old girl, had been working in a silk factory since her father died three years earlier. Her mother accepted a 4,000 rupee advance in order to pay for the after-death rituals and also to feed her family. They were landless, and her mother worked as a stone cutter.

Kali left home at 7:00 in the morning and returned at 9:00 in the evening, walking two kilometers each way. Occasionally, she was allowed to sit for a few minutes when the power went out; otherwise she spent fourteen hours a day on her feet. She earned one and a half rupees an hour, for an average of 200 rupees a month. Her employer scolded her fiercely if she arrived late, and beat her if she asked about her wages. She said she could not leave his employment until the advance was repaid, but that she and her mother together did not even earn enough to cover the family's monthly expenses, much less pay back the loan. Kali had never been to school.

Pomabhai is a twelve-year-old boy. When he was eight his father took a 4,500 rupee advance in order to pay for the oldest

daughter's marriage. As a result, Pomabhai was taken out of school and put in the factory, and he has been working there ever since. "I want to continue my education," he said. "But first, we have to eat."

c. Health Hazards of Silk Reeling and Twisting

As a consequence of the constant immersion into scalding water, the skin on the hands of the child silk reelers becomes raw, blistered, and sometimes infected. As one team of investigators described it, "thousands of children work in these factories, with hands that seem to belong to ninety year olds. In addition to the skin ailments, reelers frequently suffer from respiratory problems caused by the constant inhaling of the sericin vapors.

The workers in the silk twisting factories suffer pain in their legs and backs from standing all day without rest. Some of them develop leg deformities over the years, including bowleggedness. The boys and girls also suffer occasional injuries, mainly cuts, from the machines, particularly to their hands and fingers. Many children mentioned injuries severe enough to warrant medical attention and prevent further work.

The reproductive systems of female children, who comprise seventy-five percent of the silk reelers and twisters, are commonly damaged by the long-term work in the factories. A recent detailed study of the industry revealed that girls who work in the silk factories tend to have irregular and very painful menstrual periods. The

symptoms continue even after they stop working, and among former factory workers the rate of infertility and miscarriage is extremely high. It is the heat of the factories that causes this damage, according to medical authorities.

d. Employer Abuses in Silk Reeling and Twisting

Abuses common to other bonded industries are found in silk production as well: verbal abuse, including threats and harsh language; physical abuse in the form of blows for arriving late, working slowly, or annoying the employer; and physical abuse by denying the children adequate rest and recovery time.

Girl factory workers also suffer from sexual abuse at the hands of their employers. Girls are preferred by owners because they are believed to be more obedient, docile, and submissive. According to local activists and investigators, girls are also frequently targeted for sexual assault by the owners inside the factories. The practice is so prevalent that it is difficult for these girls to later marry--because of the high rate of abuse, everyone assumes that the factory girls have been "touched," that is, molested or raped by their employers. As a consequence, they are shunned as potential brides.

2. Silk Weaving

The greatest concentration of silk weavers is found in and around the city of Kanchipuram, located in the southern state of Tamil

Nadu, and the city of Varanasi, located in the northern state of Uttar Pradesh. In Kanchipuram, 40,000 to 50,000 children work in bondage on the silk handlooms, while in Varanasi the number of bonded child laborers working on the handlooms is approximately 85,000. Most of the children serve as assistants to the adult master weavers, preparing the looms for weaving and then sitting beside the master weavers all day long, helping to lift the warp threads and manually feed the weft threads for the intricate designs of the silk saris. Skilled children over the age of twelve may themselves work as weavers on simple, less-expensive saris.

Children commonly enter the handweaving industry between the ages of six and nine and continue working in that occupation their entire lives. In Varanasi, advances reportedly range from 2,000 to 5,000 rupees, while in Kanchipuram the advances are the highest of any industry, with children as young as six bringing in advances of 10,000 rupees and older children being traded for advances of up to 15,000 rupees. Sometimes whole families or sets of siblings are bonded together; this is particularly likely to occur after the death of a father, although it is common to see two-parent families in bondage as well.

a. The Structure of Work and Bondage

The employers of bonded child labourers range from wealthy owners of large handloom factories to relatively poor rural employers, who own just a few looms. An example of the former is a factory

owner with whom we spoke who had 400 looms and 1,000 workers, half of them children. At the other end of the spectrum is an employer in a poor village who had three looms in his modest house. One he worked himself, and the other two were worked by bonded neighbourhood children who were secured with advances of 1,000 to 2,000 rupees each. The owner had himself worked as a child on the looms of Kanchipuram, including two years with no pay. Now, he considered himself a benefactor to the community. "After learning myself, I am now giving work to others," he said.

Depending upon the wealth of the loom owner, the size of the factory, and the age and skill of the child, advances range from 1,000 to 15,000 rupees. As in other bonded industries, the purpose of the advance is to secure the child's captive labor. Repayment of the loan is not the owner'spriority. In fact, the owner prefers that the debt remains outstanding, and the low wages paid virtually guarantee that it does.

In both Varanasi and Kanchipuram, children earn between fifty and 300 rupees monthly (two to ten rupees a day), depending on their skill and the duties they perform. Children over twelve may earn slightly more if they are working as weavers. These low wages, coupled with the amount of debt incurred by the children's parents, ensure a long period of servitude.

Bonded child labor has been illegal for more than sixty years. Despite this, both large and small-scale loom owners enjoy the assistance of local authorities in enforcing child bondage. In Kanchipuram, the manager of a large handloom factory told us that contracts, or "bond papers," are written for bondage agreements that involve advances of 10,000 rupees or more. The parents who are turning over their children (or themselves) are mostly illiterate, cannot read the contract, and sign it with a thumbprint. If a worker complains to the police or attempts to escape, the factory owner will show the police the bond paper in order to prove the worker's debt. The police then return the worker to the owner.

At the more rural level, where employers have fewer looms and offer smaller advances, written contracts are not used. Advances are given to local children only, to lessen the risk that they will run away. When escapes do occur or when there are other problems with enforcing the debt obligation, the employers turn to the local panchayat (village elders/town council) for help in resolving the dispute. The panchayat will enforce contracts for the pledging of child labor, and will fine those who have tried to escape or quit without the employer's consent.

b. Work Conditions in Silk Weaving: Health Hazards and Employer Abuse

Silk weaving is grueling work, requiring speed and precision if the child is to avoid damaging the expensive weavings. The children typically work eleven hours a day, six and a half days a week. Some children work even more. For example, two young sisters near Kanchipuram reported working every day of the year except for the holidays of Pongol (in January) and Diwali (in October or November). Most silk looms are crowded together in dark, damp, and poorly ventilated rooms or buildings. This crowded work environment encourages the spread of contagious illnesses among the child silk workers; one expert named tuberculosis and digestive disorders as "the occupational disease[s] of the weaving community. Proper physical development is inhibited by the requirement that the children sit at the looms for long stretches at a time with their legs tucked under them or hanging down below in the cold and damp recesses underneath the looms. This leads to a high rate of back and leg ailments, including damaged knee joints and rheumatism. Poor lighting and constant visual strain damage the children's eyesight. Finger cuts from the silk threads are endemic and difficult to cure: one researcher reported seeing a boy whose fingers were so raw from cuts that he was unable to eat. Employers do not provide medical care or first aid to injured workers, and those who are unable to work receive no wages for the day.

The children work in fear of their employers and the master weavers, who frequently scold and berate them with harsh language. This "discipline" is reinforced by occasional blows, particularly when the children make mistakes, which they inevitably do while learning the trade. More severe punishment may be meted out to recalcitrant children. A study of child silk workers in Varanasi undertaken by the Human Rights Cell of Banaras Hindu University in Varanasi was sparked by a news item in a daily paper. The story told of a child assistant to a sari weaver who had been "beaten up by the employer and placed in iron fetters. A photograph of the shackled boy accompanied the story.

3. Domestic Law

Bonded child labor in the silk industry violates not only the Bonded Labour Act and the Children (Pledging of Labour) Act, but also the Child Labour Act and the Factories Act. Despite these prohibitions, not a single prosecution or conviction is known to have occurred for violations of any of these laws by employers in the silk and sari industries.

The government's failure to enforce applicable child welfare laws against violators in the silk industry is all the more disturbing in light of the government's heavy regulation of and subsidies to that industry. Up to the point where the silk is twisted, all steps of the sericulture and silk production industries are regulated by the government. A license from the state sericulture department is

required in order to buy or sell cocoons and a license, issued only after an inspection by the state, is required for all silk reeling centers. In addition, the government offers extensive subsidies and incentives to businesses operating in all phases of silk production. To provide this much support to the industry, while turning a blind eye to its exploitation of more than 250,000 bonded child laborers, is an extreme abdication of government responsibility.

D. HANDWOVEN WOOL CARPETS

The Indian carpet industry is notorious for its exploitation and abuse of child workers. A typical story, appearing in a New Delhi newspaper in January 1996, reported the rescue of twenty-three bonded child labourers by the Bonded Labour Liberation Front, an activist group. The children revealed that they were forced to knot carpets eighteen hours a day, and were beaten if they fell asleep or complained. They were given two poor meals a day, but never enough to satisfy them, "because if we ate to our fill we would feel sleepy. One of the boys was lashed with a whip; another was hit so hard with a metal tool that he had to have the gash stitched closed; a third was burned with cigarettes when he asked about his parents. The news account ends with the boys' desires for the future, reporting that "[a]II the younger boys want to be policemen, since they believe no one can hurt a policeman.

There are 300,000 children working to produce India's handwoven wool carpets. Ninety percent of these children, or about 270,000, are bonded labourers. In the carpet belt of Uttar Pradesh, where most of India's carpets are woven, the vast majority of the workers are low-caste Hindu boys. The number of girls in their ranks is increasing, however, as more children are brought in from Nepal or recruited to weave carpets in other states. One consequence is that as girls begin to enter the industry in larger numbers, reports of sexual abuse are surfacing.

Children are used because they are cheap. A skilled child carpet knotter will earn at most ten rupees a day, far below minimum wage. Younger workers earn even less, and bonded workers often earn nothing at all. When children become adults, they are fired from their jobs on the carpet looms. Adults are not as compliant as children and must be paid a higher wage. In addition, older carpet weavers are likely to be disabled, with scarred hands and ruined eyesight.

Built on the backs of children, the carpet industry is one of India's most lucrative. Carpet exports totalled more than half a billion dollars in 1994 and \$650 million in 1995. There are currently more than 2,000 carpet exporters in India, representing a one hundred-fold increase in about two decades.

1. Mirzapur-Bhadohi: "The Carpet-Belt"

Between 75 and 80 percent of India's handwoven wool carpets are pro-duced in the "carpet belt" of Uttar Pradesh. Centered around the two towns of Mirzapur and Bhadohi, the carpet belt includes about 2,000 villages. Seventy-five percent of the carpet-makers in this region are children.

Three types of child laborers work in the carpet belt: migrant bonded labor, local bonded labor, and wage earners. The worst conditions and most severe bondage are inflicted upon the migrant children, most of whom are trafficked into the carpet belt from the poor neighboring state of Bihar. Some are lured in with agents'

promises to their parents that the boys will receive good wages and enjoy a bright future. Others, estimated to number in the tens of thousands, are kidnapped into bondage through force or trickery. Anti-Slavery International, for example, reported that twenty-seven boys between the ages of five and twelve were kidnapped by their local barber, who told them that he was going to take them to the movies, so long as they kept it secret from their parents. He then sold them into slavery in a remote village of another state.

Migrant child labour is common. Of the 300,000 children producing carpets in India, as many as 50 percent were trafficked from one region or state to another by carpet agents. The majority of these children are forced to work several years for their bondmasters, under difficult conditions and subject to extreme mistreatment. In addition, the migrant children often have to sleep in the loom shed or in other cold and cramped environments. Their food allotment is notoriously inadequate. The local bonded children may not earn higher wages, but at least they are able to sleep and eat at home.

2. The Structure of the Industry

About 95 percent of handwoven carpet production occurs in a cottage industry setting. Most loom owners own between one and fifty looms; of these, the majority have just a few looms and employ a handful of children to work them. These owners are not wealthy men and often feel that their precarious financial state gives them no choice but to employ bonded child labour.

At the other end of the spectrum are carpet manufacturers who own 10,000 looms or more. Some of these looms may be located together in big weaving factories, while others are scattered about in individual houses in rural villages. Under these arrangements, the loom owner may not even know exactly where all his looms are, much less visit them on a regular basis. Instead, the carpet industrialist relies on a hierarchy of managers and subcontractors to get his carpets produced. This distancing of the owner from the actual production process renders legal accountability (for the owner) extremely difficult, as it is nearly impossible to trace the connection between local looms and the responsible manufacturer or exporter. It also undercuts the feasibility of consumer-oriented campaigns that want to label rugs as "child-labour free," given the difficulty of verifying such a claim.

3. The Structure of Bondage

Many bonded child carpet weavers are paid per carpet rather than a daily wage. In practice, average earnings work out to between one and ten rupees a day. However, many young and recently bonded children earn no wages at all for a period of several months up to one year, during what the employer claims to be a "training period." In addition, this calculation of average earnings does not apply to the migrant child workers because these children may receive no wages, "earning" only two meals a day. Furthermore,

some children receive no wages at all on the grounds that all earnings are being applied toward liquidation of the debt.

Advances to bonded child labourers in the carpet-belt range from 500 to 3,000 rupees. As in other industries, the high interest rates, low wages, vagueness of terms, and power advantage of the employer mean that children end up effectively repaying their debts several times over, and still are not released. Their lives during this time are described below.

4. Testimonies of Bonded Child Carpet weavers

The following testimonies are from local bonded labourers, many of whose fathers are also bonded (primarily in agriculture). Migrant bonded child labourers, as previously noted, suffer even worse at the hands of their employers.

Santosh, a nine-year-old boy, worked as a carpet weaver for one year. He worked for a local loom owner in exchange for a 500 rupee advance to Santosh's father, an illiterate and landless agricultural labourer. Santosh was never paid a single rupee, as the loom owner claimed to be deducting the wages against the debt. Even if his labour were only valued at the abysmally low rate of one and a half rupees a day (less than 20 percent of what other bonded children earn, which is itself less than 30 percent of minimum wage), Santosh's debt should have been extinguished within a year. It was

not. Instead, Santosh was freed by a local social activist organization, incurring the wrath of his employer in the process.

Das, ten years old, worked knotting carpets for one year. He was given one or two rupees on festival days but was otherwise unpaid, on the theory that this year was a "training period."

Imran, sixteen, worked on the carpet looms from the age of seven until he was eleven. He was originally taken in for a 2,000 rupee advance. For his first year of work, he received no wages. During his last three years of work, he received an average of two to four rupees a day. The rest of the wages to which he was entitled were ostensibly withheld for payment of the original loan.

Shivalinga, a thirteen-year-old boy, stopped working last year with the support of CREDA, a regional children's rights group. He had begun working at the age of nine when his father, a landless agricultural laborer, took a 2,000 rupee advance. Shivalinga was paid just twenty-five to fifty rupees upon the completion of each rug--the equivalent of about one rupee per day. Had Shivalinga been paid at the rate of just ten rupees a day (which is far below minimum wage and would itself constitute proof of a bonded labor relationship), he could have paid off the original loan in eight months and, in the remaining two-plus years of his employment, earned another 7,000 rupees. Shivalinga's former employer, however, claims he is still owed the 2,000 rupee advance. The employer constantly harasses

Shivalinga's father, telling him to either pay back the money or remove Shivalinga from school and send him back to the loom.

5. Conditions of Work and Health Hazards

Children work an average of ten to fourteen hours a day, six and a half or seven days a week. Again, this frequently does not apply to the trafficked migrant children, who report being forced to work as long as sixteen or even eighteen hours on a daily basis. The loom sheds in which the children work and sleep are often poorly ventilated, poorly lighted, and cramped.

The long days spent in cramped positions damage the children's backs and legs, causing backaches and severe joint pain. Many of the children suffer from scabies, skin ulcers, and other dermatological diseases, a result of the close and crowded conditions and the constant exposure to wool. Respiratory illnesses are rampant and eye damage is common, as are intestinal disorders. The children are also particularly vulnerable to tuberculosis and other lung diseases, which are caused and aggravated by the constant inhalation of tiny wool fibbers.

Work-caused cuts and wounds are endemic and frequently become infected. When cuts occur, the loom-owners will "treat" the wounds so that the children can continue working without dripping blood on the carpets. This "treatment" consists of scraping the

sulphur from match heads into the cuts and then lighting them on fire, thereby sealing the wound.

By the time the youngsters reach their mid-teens, their fingers and hands often are badly damaged from the cuts and nicks of the knives and strings used in knotting, their eyesight has grown weak from long hours of tedious work in dark rooms, and their growth often is stunted by years of sitting in uncomfortable, hunched positions at the looms.

6. Employer Abuses

Carpet employers tend to treat the child labourers harshly. One study of child weavers found that 71 percent reported being beaten for mistakes in weaving, and they were beaten even more severely if they asked for their wages or tried to escape. The following comments from Munni, a nine-year-old former carpet weaver, were echoed by most of the children with whom we spoke.

I got beaten if I arrived late or if I made a mistake; he was constantly abusing me. He hit me on the back and on my hand. I worked with three other children, and he hit them also. If I did not go to work, he would come to my house and catch me and beat me.

The migrant children suffer the worst abuses, with numerous reports of them being beaten, half-starved, and otherwise punished. For example, a newspaper reported that "Tasleem, a seven-year-old girl with eyes that still shine in a hollow, emaciated face, longs to return to Bihar, her home. 'Once when I cried for my mother, the mill owner hit me with a steel rod,' she says. In addition, after their long hours on the loom, they are often forced to work for the master around his house or in the field, performing whatever tasks he demands of them.

7. Rajasthan

The carpet industry is a relatively new arrival to Rajasthan, beginning its encroachment from the carpet-belt of Uttar Pradesh just five years ago. The incursion of the carpet industry into these Rajasthani villages is part of carpet's continuing decentralization, which is a reaction to increasing international condemnation and scrutiny of the industry's horrendous labor practices. By contracting workers on an individual basis in tiny and remote villages, the carpet manufacturers make it nearly impossible to hold them accountable for violations of labor laws and other protective legislation.

The low-caste Rajasthani villagers, for their part, are vulnerable to the seduction of the carpet middleman with his offers of cash advances and promises of a reliable career in carpetweaving. The shoemaking that has traditionally supported these villagers is in sharp decline in today's quickly modernizing Indian market. Those who

continue to practice the craft have seen their earnings decline drastically in real terms in the past decade, as more and more Indians buy mass-produced shoes. A Rajasthani shoemaker earns only about twelve rupees a day, roughly a third of the average minimum wage. Agricultural labor, when available, pays no better.

As a result of this worsening poverty, these villagers' children are increasingly pressed into bondage. The shoe industry of Bombay, for example, is largely staffed by bonded boys from rural Rajasthan. The girl children, meanwhile, are being recruited in ever-greater numbers into the carpet industry.

According to one village chief, 250 villages in the neighboring districts of Jaipur and Alwar have been completely diverted into the carpet industry since 1991. The carpet middleman comes to the villages from Jaipur. We have a road into our village, and sometimes their vehicles come out for two hours or more, looking for new workers. The middlemen form debt obligations with the rural would-be weavers by loaning them money to buy a loom and by advancing them the necessary raw materials. During the several months it takes to learn to weave, the workers earn nothing. After completing a carpet they sell it to the same middleman who brought them into the industry. Thus the middleman takes a cut from both sides of production, exploiting the worker's isolation and ignorance and paying her only a fraction of what her labour is worth.

The adults with whom we spoke condemned the use of their children by the carpet industry. Shoemakers offered the following comments, to the assent of their listening neighbours:

Carpet weaving gives them no support in their lives. The children weaving carpets are not in school--they get no education. Their health is destroyed. Their life is dead, once they go into carpet.

They are treated like animals. . . . Selling labour is not worth giving up one's life.

The wool burns in their mouths and eyes, the small children are bent over all day working, and they suffer many diseases--silicosis, tuberculosis.

Before the carpets came, all the children played games—they helped in the houses and with the shoes, but they also played. . . . Now, what can I do? I am very poor, so my two girls must both work in carpet. I don't like it, but I don't know what else we can do.

Carpet looms are everywhere in these small villages: standing under the awnings of small thatched houses, in dusty courtyards, and tucked inside dark mud-walled houses. Most of the carpet weavers are girls and women, who, in addition to weaving, perform household work.

For example, twelve-year-old Shantana works on the carpet loom outside her house from 9:00 a.m. until 6:00 p.m. She works

seven days a week, with an occasional day off when necessary for household work or when she is ill. Shantana has been weaving on the loom since she was eight. Prior to weaving, she was enrolled in school. Her sixteen-year-old sister-in-law Laxmi works with her on the loom. Laxmi has been weaving for six years. She says:

This work is good, because it gives us some income. But it is very bad, too. . . . All day long we are sitting here, and it hurts our backs and legs. Little pieces of wool come into our mouths and hurt our lungs, making us sick. Our fingers are raw and give us constant pain.

A middleman advanced the girls their weaving materials, charging them 1,000 rupees for the wool. When the carpet is finished they will sell it back to him; in the meantime, they earn no daily wages. After deductions for the cost of the materials, they are paid at the rate of sixty rupees per square foot of carpet. Between the two of them they can complete an average of half a square foot per day, for an effective daily wage of fifteen rupees. This is the fastest carpet knotting and the highest rate of earnings of which we heard; all of the other child weavers said they could knot about two inches a day, for daily earnings of five to ten rupees.

8. Government Carpet Training Centers

The Indian government launched a training program for child carpet weavers in 1975, when India was anxious to increase its share

of the global handwoven carpet market. Although the scheme was officially authorized to recruit children between the ages of twelve and fifteen, children six and up were brought into the program. By 2001, 750 government carpetweaving training centers were being run, employing approximately 50,000 children.

The program continues to this day, despite the passage of the 1986 Child Labour (Prohibition and Regulation) Act. The Child Labour Act strictly forbids the employment of children in the carpet industry, due to its hazardous nature. Trainees in these schools are paid a stipend of 250 rupees a month. This has induced many parents to withdraw their daughters from school and enroll them in the carpet centers. Although the training program ostensibly includes one hour daily of literacy instruction, this is rarely implemented.

Approximately sixty-five carpet training centers are in the state of Rajasthan. We visited one of these training centers, located in the town of Viratnagar. The center was a large and dimly lit single room building. About two dozen girls were working inside. The government official in charge refused to let us enter the building or speak to the girls, complaining about the negative influence of outsiders interfering with the government's role in employing carpet weavers. The girls appeared to be between ten and fourteen years old. There did not appear to be any adults, i.e., any teachers or trainers, in the building with them.

9. Applicable Law

The practices described above violate the Bonded Labour Act and the Children (Pledging of Labour) Act. They also violate the Child Labour Act of 1986, which expressly forbids the employment of children in the carpet industry, because it is deemed hazardous by the Act. The limited exceptions to this prohibition of child employment--exceptions for family-assisted production and production under the auspices of a government training program-themselves violate the Indian Constitution, which forbids the employment of any child under fourteen years of age in any hazardous employment. Finally, the Factories Act is violated in carpet units employing more than twenty people, and the use of migrant bonded child labourers violates the Inter-State Migrant Workmen Act.

10. Enforcement: The Carpet-Belt

The carpet manufacturers and exporters are generally wealthy and powerful men. Legal action against them is extremely rare, especially when considering the serious nature and extremely large number of abuses being committed by them. As of 1992, not a single case of bonded labor had been prosecuted under the Bonded Labour Act in Varanasi district, where both the carpet and silk industries rely heavily on bonded child labor. About fifty cases had been brought against employers under the Child Labour Act, resulting in twenty-two convictions. ² The maximum penalty imposed, however, was a fine of one hundred rupees, or about three dollars. These low fines were

levied notwithstanding the provisions of the Act, which specify that first offences are to be punished by three to twelve months in jail or a fine of 10,000 to 20,000 rupees.

When we met with the Mirzapur district collector in December 2005, he acknowledged that "some news reports do say there is child labour in the carpet industry," adding that "until a detailed survey is conducted, we cannot say they [the reports] are true." Regarding bonded child labour, he said that when he heard rumours of it, he sent officials to investigate, but that so far they had found "very few" cases of bonded child labour. According to the district collector, at the time of our meeting he had seven or eight prosecutions pending for violations of child labour laws. He was unable to provide figures for previous prosecutions, the rate of convictions, and fines levied. No one had been imprisoned in Mirzapur district for illegal labour practices.

E- Garage Child Workers

With the advent of 21st century when one part of the world is busy in ensuring best of human rights, living conditions, social justice and development, the other part kneels with abject poverty, illiteracy, poor health and misery of life. There thousands of poor children are forced to come out for their livelihood and working in poor and hazardous conditions. Their rights for life, good health, food, education and a loving childhood remains like a dream unfulfilled. Their inquisitive eyes in search of a lovely vision stints in the horizon of employers whims. Hence the issue of child labour has gained attention and more important is the steps now being taken to abolish the system. No doubt it is a social evil which is Weakening the society but also as an economic necessity sometimes it compensate some of the \'eaknesses of the society. However, the paper has focused a light on different aspects of child labour along with an empirical study for rehabilitating a section with a constructive view.

Concept

Coming to the concept of child labour it is universally accepted that a 'child' is below 14 years of age. The term 'Child labour' sometimes understood as 'working child' or 'employed child'. However here in the age group of 6-14 years, who is doing labour either paid or unpaid. It is co-extensive with any work done by child for gain or a child engaged in gainful occupation is called child labour.

Extension of the Problem

In agrarian economy the jobs for children were confined to agriculture and plantation extended to the work, sowing, reaping, harvesting, threshing etc. alongwith the jobs like taking care of the cattle and fodder. But with the advance of industrialization it is stretched to hazardous jobs in match factory, bidi industry, glass work, bangles making, carpet making, garment and leather factories, cracker factories, garages, hotels and restaurants and even prostitute business. The health hazardousness with all such jobs in developmental stage causes various physical deformity, loss of eye sight, asthmatic problem and various diseases as identified which can be found from the appendix.

National and International Scenario

According to an I.L.G. Report it is estimated that 52 million children in the world are employed in gainful occupation out of which one- third of the working children are Asians and one-fourth of the working children are Indians. It is nothing other than poverty and uneven distribution system which forces millions of poor parents to send their children in search of their livelihood. Child labour in India significantly contributes to the Indian Economy i.e. to 20 per cent of GNP and 8 per cent of workforce. Most of our export industries like carpet, brassware and diamond etc. are based on mainly child labour. Around 13,600 children are engaged in cutting and polishing small diamond pieces. Nearly 8,000 to 50,000 children are working without shoes, gloves, goggles or personal protective equipments near the fumances and other heat emitting machines and equipments in various factories. Besides, poor young girls are dragged to be

prostitutes. According to Campaign Against Child Labour in Bombay, 20°/c, prostitutes are minor and large number of them are HIV'positive and suffer from various other veneral diseases4. K.N. George in Madras revealed that children are forced to work for 8 to 15 hours per day. Besides thousands are working as bonded labourer particularly in rural areas5.

It is not only a problem with India. In Nepal millions of children are engaged in leather industry. In Spain 100 thousands children work in orchards and plantations. In U.S.Ab. the United Farmers Workers Union in 1985 reported that millions of young hands are employed in farms and plantation. An I. L.a. study7 revealed that 20% of the workers deployed in gold production are from 11 years to 18 years of age. A study in urban areas of Colombo found that 40% .of 11 to 12 years city workers were domestic servants8. Another study in 1990 revealed that there were nearly 4000 children in Chile working as prostitutes9. Besides, thousands of children allover the western world work in fast food joints, gas station, sale newspapers, clean cars and work in garment and leather factories.

Efforts for Eliminating Child Labour

The Reformists, political and social thinkers, various Governments and International bodies like ILO, UNICEF, Child Right activists all are quite serious to protect the interest of the children and to stop exploitation of the child labourer. Senator Tom Harkin introduced a legislation in the U.S. Congress about banning of import of goods made through child labourer. France and Germany are also

banning the import of goods manufactured through child labourer. If the International Child Labourer Elimination Act, introduced by Chris Smith is enacted it will prohibit importation into U.S. of products manufactured in countries and industries that engage child labour.

In India, there is neither any law which can prohibit children participation in various jobs nor any constitutional provision for elimination of child labourer. Article 24 prohibit the employment of the children below age of 14 in factory, mines and other hazardous job. Again Article 45 makes provision for free and compulsory education to *all* the children upto the age of 14 years. But in the event of 50 years of independence celebration, 20% of GNP is contributed is by child labourer. Nearly 50% children in the age group of 6-14 (90 million out of a total 1.79 million) are out of school which are assumed to be working children in one way or the other.

The Child Labour (Prohibition and Regulation) Act (1986), has made provision for regulating working hours of children, restriction of employment during night, prohibition of overtime work etc. Inspite of these enactments 2 million child workers are working in hazardous jobs. Recently under National Child Labour ProjecPO (NCLP) the Govt. has sanctioned for 63 districts alongwith 12 on going, 140 thousand children for their rehabilitation and strengthening the economic condition of the family. NCPL projects are for setting up of special schools with provision for educational and vocational training in addition to an incentive consisting of monthly stipend mid-day meal, health care for children drawn from work place.

Research Findings

UNICEF Report "The State of the World's Children 1997" emphases "The end of hazardous child labour should not wait for poverty to end. The world poverty cannot be eliminated by the end of the decade, but the hazardous child labour and the grave violation of the rights of children involved can be." C.P. Chandrashekhar's study that finds no correlation between poverty and child labour. He stated that five states i.e. Andhra Pradesh, Rajasthan, Tamilnadu, Karnataka and Maharashtra have more number of child labour in comparison to poor states like U.P., Bihar and Orissa. In another study Kailash Satyarthi the Chair-Person of SACCS (South Asian Collation of Child Servitude) viewed child is not a necessary consequence of poverty. Rather it is the rampet menance of child labour that perpetuates poverty". UNICEF holds similar view also, United Nations International Childrens' Emergency Fund recorded "Not all work performed by children is harmful to their development" .14 Citing the case of deployment of 75% child labour working in garment industry of Bangladesh. The respective families were exposed to acute financial crisis. Taking world view, I.L.O. concluded that "any society which wants its children free to learn and play; must first free the entire population from fear of want. So instead of making them jobless, they should be empowered with skill, knowledge and self-dependent.

However, Dr. V. Giri has rightly said that child labour is an as well as a social evil. So simultaneous effort

performance when they do a good job. They need stipend to maintain themselves and supplement the family income if they were to be rehabilitated through any private or Government agency by vocational training centre.

Table 18.1 (A)

Distribution on Family Size and Earning Members

	Distribution of Respondent						
Background	No of Respondents	Average size of their Family	With Working Mother	Without Working Mother	No of Earning Member		
· (-)		. carring		-	Less than 2	2	More than 2
Urban	2	9	2	Nil	2	-	-
Semi Urban	8	6	-	8	4	4	-
Slum	14	5	6	8	6	8	-
Rural	64	8	10	54	24	34	6
Total	88	28	18	70	36	46	6

Table 18.1 (A)
Distribution on Occupation

	Distribution of Respondent				
Background	Marginal Farmer	Daily Labour	Service	Small Business	Self Employed
Urban	-	2	-	-	-
Semi Urban	-	4	-	-	4
Slum	-	6	-	,	8
Rural	22	16	12	6	8
Total	22	28	12	6	20

Keeping the rehabilitation of such child worker it was found most of them couldn't believe whether they can be rehabilitated through some vocational training centre with food and clothing.

Asking on the length of training most of them viewed it should be stretched from minimum 6 months to more than a year. The owners have also the same view on the matter. Taking the views of the owners except two, all 38 owners disagreed to the proposal to convert their garage to a training centre. But all of them were ready to accept the proposal with financial assistance from the Government. Besides though they do not assure the job to the child labour after training, but most of them had shown positive attitude to guide the working children directly or through their senior mechanics. However, they expressed a positive view to ban 'and abolish the child labour and assured to co-operate with Government for abolition. So far the nature of the garage child worker is concerned, the owners expressed a very positive view about this. The details of the view as tabulated can be witnessed from the Annexure II.

Conclusion

The children, who are engaged in garages, undoubtedly they are sent by their parents or some other relatives, but they are aware of the advantage of skill for future employment and they realized that it is better than formal education. Considering the Human Resource Development of the nation, the children those who are engaged in such occupation can be rehabilitated in more constructive way. It will increase the supply of more number of skilled workers to the economy. But duration of working hours, health and working condition of the training centres should not affect the physiological and psychological development of the working children.

Though the National Child Labour Projects provide for setting up of special schools with provision for education and vocational

training in addition to an incentive consisting of monthly stipend, midday meal and health care etc. it cannot reach to the working children and in the same of rehabilitation intermediaries are enjoying the advantage of such schemes. So child labour abolition in a country like India is a dream where the. budgetary provision for education is 9 per cent and roughly 40% people live below poverty line. It is better to prevent the ignorance and poverty than curing the problem with legal framework.

ANNEXURE - I

Hazards and Occupational Diseases in Different Occupations in Orissa (1995-96)

	Hazardous Occupation	Diseases			
1	Agriculture	Hand and Leg Injury during Ploughing and Grass cutting			
2	Bidi Rolling	TB, Asthma, Cough, Allergic, Itching			
3	Construction	Body Injury			
4	Firework / Match	Burning due to explosion, Cardio tic Problem			
_	Making				
5	Fisheries	Dawning			
6	Garage workshop	Loss of eye sight, body injury			
7	Gudakhu Making	TB, Cough, Heart and Lung Problem			
8	Hotel/Restaurant	Heart and Lungs Problem Skin Disease			
9	Minor engineering work	Eye injury			
10	Rag Picking	Physical Disability, Skin diseases			
11	Rice Mill	Hand and Leg injury, dust allergic			
12	Stone breaking and	Dust allergic, Body injury.			
	crushing				

Source : Child Labour Survey in Orissa- 1995-96. Newsletter Vol. III No.5 July 1996

ANNEXURE II (A) RESPONSE OF THE OWNERS OF THE GARAGES

	Questions	Alternative Answers	Response in
1	Who supplied them child Labour	Sont by Boronto	numbers 30
	Who supplied them child Labour	Sent by Parents Come their own	10
		By other source	Nil
2	Your find the nature of the child labour is good	Strongly Agrees	16
	Tour find the nature of the child labour is good	Agrees	22
		Indifferent	100
		Disagree	Nil
		S. Disagree	Nil
3	The C.L. one interested to learn the job assigned	Very Much	18
<u> </u>	The C.L. one interested to learn the job assigned		20
		Much	02
		Indifferent	
	V- total initiation to mid-the different	Not Interested	0 2
4	You take initiative to guide the children working in your garage	Strongly Agree	
		Agrees	28
		Indifferent	10
		Disagree	0
5	You like to send the nothing children to training center	S.A.	2
	× ×	Α	2
		Undecided	30
		D.A.	2
		S.D.A	0
6	You like to engage the Children working with you after their training	Agree	4
		Undecided	34
		No response	2
7	You guide the children to expand their salary they receive from you	Always	10
		Often	14
		Rarely	14
		No Response	2
8	You like to change your garage to a training center with some monetary assistance form the Govt. and Private agency	S.Agree	8
		Agree	28
-		Undecided	4
4:		Disagree	0
* :		S. Disagree	0 -
9	The child workers usually leave your garage after training	Mostly	4
		Sometimes	12
		Rarely	14
		No Response	10
10	You like to Co-operate with the steps taken to ban the child labour	S. Agree	12
		Agree	20
		Undecided	8
		Disagree	0
		S. Disagree	0

ANNEXURE II (B)
RESPONSE OF THE CHILD LABOUR WORKING IN GARAGES

	RESPONSE OF THE CHILD LABOUR V	Alternative Answers	Response in
			numbers
1	How did you come to the garage	Sent by parents	80
		By relations	2
		By their own	6
2	You like the job	Very much	22
		Much	58
		Indifferent	8
-		Not at all	0
3	You find the job interesting	Very interesting	14
		Interesting	34
		Indifferent	34
		Some times difficult	6
4	Your master appreciates when you do a good job	Always	24
		Sometimes	54
		Rarely	10
	×	Never	. 0
5	Your senior mechanic likes you	- Very Much	6
		Much	66
		Indifferent	4
	· · · · · · · · · · · · · · · · · · ·	No response	12
6	Your senior mechanic allows to learn the job well	Strongly Agree	2
		Agree	68
		Undecided	10
		Disagree	6
		S. Disagree	2
7	Your senior mechanics gives you hard punishment when you commit some mistake	Strongly Agree	0
		Agree	2
		Undecided	10
		Disagree	74
		S. Disagree	12
8	You like to join in a formal training school to learn the skill will		2
		Much	6
		Indifferent	54
		No response	22
		Never	4
9	You like to join in a workshop cum training	Very Much	8
9	center with stipend or some monetary assistance	very Much	
		Much	60
		Indifferent	9
		No response	5
		Never	6
10	Your salary is adequate to maintain yourself	Strongly agree	0
		Agree	40
		Indifferent	15
		Disagree	23

CHAPTER 7

7. FINDING, CONCLUSIONS AND SUGGESTIONS

- 7.1 Findings
- 7.2 Conclusions
- 7.3 Suggestions



FINDINGS, CONCLUSIONS AND SUGGESTIONS

7.1 FINDING

Our study has revealed that the problem of child labour requires immediate attention, both from the Central and State Government and also from local non-governmental organization. Our findings suggest that the reason for the problem is manifold. However the primary reasons include, poverty and illiteracy. The solution lies not only is curbing the problem of child labour, through the implementations of the law, but also is rehabilitating the children and their families.

To summarize the problems Faced by Child Workers are as follows:

- 1. Long hours of work: 8.8% of the children complained of long hours of work.
- 2. Harsh treatment from employers: Another 8.8% of the children complained that their employers were too severe and demanding from them. Sometimes, they were made to do work beyond their capacity.
- 3. Hard work 12.8% of the children felt that they had to work really hard and that tired them.

- 4. Children engaged ili selling plastic bags, lottery tickets, newspapers, peanuts, ice-creams, etc. i.e. petty vendors complained of erratic sales which affected their earnings. There were times when the sales were very poor, which meant less or no income for them, making their life miserable.
- 5. Less/no food to eat: 3.2% of the children complained that the food given to them was less and they were left unsatisfied. Ironically, this was the complaint from boys working in hotels and restaurants. Not only they were given less food, but that too, late. '
- 6. Not paid 011 time: 2.4% of the children complained that they were not paid their wages on time. The employer took ad vantage of them and paid them as and when he liked.
- 7. They have to work in all types of weather i.e. in the hot sun or in the heavy rain. 3.2% of children had this complaint. Petty vendors were most affected by this factor.
- 8. 1.6% of children complained that their jobs were risky. One of the children worked as a cleaner in a bus and he complamed that at times when the bus was full to capacity, he hardly had place to stand and he had to hang out of the bus, which was dangerous, as, he could have a fatal fall. Another child engaged in extracting sand from the river had to dive in the river to do his job, which again was risky. Rag pickers have to handle not only

dirty and harmful materials but also hazardous items like broken glasses, rusted metal, etc. Children working as assistants and welders have to sometimes hold welding parts together without any protection.

- 9. No proper accommodation: 0.8% of the children complained that they were not given a proper place to live by the employer, especially, children employed in hotels and restaurants.
- 10. Harassment from senior workers: 0.8% of the children complained of being harassed by senior workers. These were children employed in hotels and restaurants. They complained that the senior workers often beat them up.
- 11. Harassment from relatives: 0.8% of children complained that their earnings were snatched by their relatives. This occurred amongst children staying with relatives.
- 12. Non-payment for goods sold or service rendered. 1.6% of the children complained that sometimes customers did not pay for the goods sold on the pretext of having no change, etc.
- 13. Exploitation by guards at the bus stand: 3.2% of the children complained that the guards at the bus stand exploited them. They had to pay them some money to be able to sell their goods at the bus stand e.g. the peanut sellers at the bus stand in particular, were harassed by them.

- 14. Poor working conditions: 2.4% of the children felt that the conditions they worked-in were poor. Besides their wages, no other facilities were given.
- 15. 0.8% of the children complained that sometimes the employers made them do work not contracted for. Whether they liked it or not, they had to do it or else risk losing their jobs.
- 16. No extra pay for extra work: 3.2% of the children complained that their employers did not pay them extra, when they had to do more work. The payment remained the same irrespective of the work.
- 17. Continues work without a break: 0.8% of the children complained that they had to work continuously without any rest. This happened particularly in hotels and restaurants and domestic services. The work demanded of them was endless. One child working as a domestic servant complained that she did not even have time to eat her food.
- 18. Not paid the amount agreed upon: 0;8% of the children complained that the employers often went back on their word and paid them less than that agreed upon.
- 19. Low wages: 2.4% of the children complained that they were paid low wages.

- 20. No payment Even sick: 1.6% of the children complained that if they fell sick, their pay was cut. Thus, even when they were not well they had to work.
- 21. Fights with other children: 2.4% of the children complained that they had to sometimes fight with other children because of sales. This happened particularly to children engaged as petty vendors e.g. selling plastic bags, peanuts, etc.

The above are the problems encountered by the child workers. It is, however, interesting to note that 33.6% of the children replied that they faced no problems when approached by the interviewer. We conclude from this response that these children were afraid to tell their problems for fear of reprisal from their employers.

7.2 CONCLUSIONS:

If concluded that the child labour is very miserable in our country. This problem is taking a worst form day by day. More children are often considered a burden on the family. They are not allowed to study, because their parents cannot afford the expenditure of their study. So they

send their children to work so that they can earn the money and fulfill the need of their family members.

Poverty, Population and illiteracy each breeds each other. Therefore, with prevailing economic needs social conditions and easily available and exploitable child, we have surplus adult unemployment but persistent demand and supply of child labour. So far, most of the studies have dealt with the child labour jointly.

The Present study attempted to know the socio economic conditions of the child labour. Besides this, various factors responsible for their demand and supply, conditions under which these children have to work, the problem faced by them, just because of they are child labour they are also investigated and projected.

In the proceeding chapters we have analyzed various economic aspects and social conditions of the child labour. On the basis of these analyses certain conclusions have been drawn, which are summarized as follows: -

The mean age at which these working children are working in the force is between 12 to 13 years. In auto workshop activity the percent of average age of working is found to be (18.47percent) in departmental store is (16.93 percent) the lowest percent of age *is* found in Begging (6.16 percent) and in other is (4.64 percent) Maximum of the child labour *i.e.* (60.0 percent) belong to backward classes, and schedule caste and *maximum* are in the group of 12 to 14 years.

The education that is *considered* the most *important* factor that can break the vicious cycle of population and poverty is given no importance. About (35.08 percent) children are illiterate (39.38 percent) child are those, who could *gain* the education up to 2nd standard (25.23 percent) *children* are below 5th standard. It *is* observed that a great number of *child* labours comes mainly from the large nuclear families with average pf 9' to 12 members. This further confirms the concept of more the children more the working hands. (68.61 percent) of them are staying with their families (and (49.02 percent) of children are staying with the employers (41.18 percent) of children are staying with their relatives. This is unfortunate that in socio- economically backward classes. we have not so far been able to popularize small family norms.

Illiteracy and child labour has close relationship. The .children with low level of education in labour force are having illiterate parents. Government should give much emphasis on adult education. The bulk of child labour comes t labour market out of economic

compulsion. The maximum of them are very poor. They are having very low family income and many mouth to feed. The highest pay scale of child labour is 1000 to 1500.

As far as the status of the child labour is concerned, they are victim of existing social structure. Inspite of working hours and working at home still they are considered, inferior to the other children of *society*. In our society a male child addition is welcomed, while that of female child *is* regarded as a matter of grief. It may be stated that the seriousness of crudities and disparity inflicted on girls. The disparity and crudities need not be physical violence, but in form of mental harassment deterring proper growth and development.

Low wages are the main contributing factor for their demand. Besides low wages efficiency, discipline, obedience, no unionism and hard work are other contributing factors towards their demand. These are the root problems concerning the demand for child labour.

Whatever the earnings of these working children are having is generally received by elder (35 percent). Even if they receive directly, the family adults take it away. They utilize it according to their wish and purpose very few children are sending their earning on their maintenance and according to their wish (57.53 percent) Another important factor about the demand for these working children is easy exploitability. Most of the child labour revealed that they are paid less and take the work very much.

The supply of these working children is a socio economic problem. Family income and poverty are the main compulsion for maximum of these working children coming to the labour market. Bad habits like addictions of the male members (18.84 percent) to payoff loans taken by adults (31.85 percent) are other factor for the supply. The parents themselves motivate and pursue these children to start working and supplement the income in maximum number of cases, this is told (70.15 percent) of the children's. Therefore, it is not the employers only who want these children to work for them. Since they are readily available and the parents themselves request to keep them, that are why the employers can exploit them with their own terms and conditions.

The child labour works are mainly employed illegally and in unorganized sector. They do not getting any bonus, provident fund, pension and statutory benefits. The working conditions are really deplorable. They do not earned leave or weekly holiday. They are scolded abused and even beaten at times by their employers. If at all they happen to take leave, fall sick or discontinuity due to other reasons, their wages are deducted. They are punished physically or financially for any breakage or damage. They are occasionally given gifts or bonus. No compensation in any form is given for medical treatment. This all accounts for exploitation. Another important problem faced by these children is the security at place of work.

As these children work under miserable conditions, they are deprived of basic requirements. The environment is grossly

detrimental to the growth and development. There is no adequate light, ventilation, safety, and cleanliness and safe water to drink. The environment in and around is highly polluted. The basic facilities for eating food, entertainment, rest, toilet is generally lacking. If at all these are parents, are in a miserable conditions.

It is clearly established that, prevalence of child labour is due to social conditions and economic reasons. Therefore, it demands economic developmental programmes, so that the parents can at least meet the minimum basic needs of these children.

7.3 Suggestions for Improving the Plight of Working Children

Child labour is a phenomenon that cannot be wished away. As long as there is poverty, there will be child labour. So, what can be done is to see to it that the children who are employed are protected by effective legislations and punitive measures are taken against violators of the norms.

- 1. Prohibiting the employment of children in hazardous occupations. The Employment of Children Act, 1938 which was repealed in 1986 after enacting the Child Labour (Prohibition and Regulation) Act, prohibited the employment of children below 15 years in hazardou~ occupations. This act should be vehemently pursued.
- 2. Regulate the hours of work of child labour. We note from the survey that many children work for 8 hours and more which is too tedious for a young body and mind; The maximum hours a child should work should be 4-6 hours with a break in between. This has also been mentioned in the Child Labour (Prohibition and Regulation) Act, 1986.
- The wages of child labour in various occupations should be fixed, so that there is no scope for exploitation.

- The problem of child labour should be tackled at its root. The root cause of child labour being poverty, the government should concentrate on vigorously implementing the anti-poverty programmes in their respective States. A general rise of a large percentage of the population above the poverty line, will lead to progressive elimination of child labour.
- 5. Measures to promote employment-oriented development both in rural and in urban areas, adequate facilities for both formal and non-formal education, vocational education and training, social security and family welfare measures, etc. would go a long way to tackle the basic and root causes of child labour.
- 6. Those children who have to work to make both ends meet for their families should be allowed the facility to attend part time schools. Special schools can be set up to cater to the needs of such children. There are some NGOs doing this, but they should be given encouragement and support to do it on a larger scale. Thus, these children do not miss out on school education and at the same time can help their families. However, committed teachers will be required to take up this type of Teaching.
- 7. Working children should also be provided with free meals, rest room for freshening up before classes begin, as we

have to remember that these children are coming to school straight from work.

- 8. A stipend can be given to those children who are removed from prohibited employment.
- 9 Health care should be provided for such children.
- The general 'public should be sensitised to the plight of working children, s01hat they are more sensitive to the needs of such children. A large percentage of the children as we see from the survey, "re engaged in the informal sector activities and if people sympathise with them, then a lot of their misery can be alleviated e.g. in the case of domestic servants. If employers aresensitised, they can treat these children in a human way and not make them work for long hours with no rest, or give them work beyond their capacity to perform and pay them less than what they would pay an adult worker for the same work done. The media, especially the television, can be used to sensitise the public to the plight of working children.
- 11 Since poverty and illiteracy are the main causes of child labour, it is imperative that the government provides financial assistance to the household artisans so that they become independent of the Bharatiyas and exporters so that the vicious circle of the poverty illiteracy child

labour can be broken. They can also get the capacity to educate their children. It is also important to save the traditional craft from hijacking.

- 12 All the existing household units should be compulsorily registered and the owner and the worker should be made aware of the law relating to the labour and industry.
- Provision should be made to provide raw material to the household units so that they do not depend on the Bharatiyas.
- 14 Cooperative and registered societies of the household units should be strengthened.
- 15 All processes relating to brassware industry should be treated as factory produce and there should be very clear demarcation between handicrafts and factory goods.
- 16 Alternative job opportunities for the artisans should be made available.
- 17 Factory Regulation Acts must be vigorously implemented.
- The administration should not only improve the working conditions in the state but should also provide proper

- schooling to the children near the work place or near the household units.
- 19 Artisans as well as the children must be made aware of the health hazards and also pre-medical aid be provided to them regularly.
- 20 prohibition or banning child labour through strict enforcement of Child Labour Act of 1986 and the Bonded Labour (Abolition) System Act 1975,
- ratification of the ILa Convention 138 and Article 32 of the UN Rights of Child,
- 22 withdrawing/stopping all subsidies to industries employing children,
- opening the residential schools for children withdrawn from jobs to give them education and training in vocations of their choice,
- 24 providing the families of such children with substitute sources of income,
- 25 compulsory schooling for children in non-hazardous jobs,

- 26 continuous monitoring of the enforcement of law and the implementation of projects seeking to provide substitute income for the families.
- 27 Creation of employment opportunities for adult unemployed,
- introduction of compulsory primary education upto the age of 14 as per Article 45 of the Constitution,
- 29 extensive and intensive rural and urban community development programmes that create gainful employment for adults,.
- and training to the poor and those interested/willing to set up their own enterprises or take to self-employment,
- opening up of free vocational and industrial training institutes for poor children after they complete compulsory primary education.
- India should have a statutory National Minimum Wage (a living wage) equal atleast to the first-day wage of the lowest paid government employee. Subsequent revision due to inflation etc. should also be linked simultaneously. State governments must guarantee all citizens

employment at a National Minimum Wage for at least 200 days in a year or productive infrastructure building projects. While computing the cost of production of farm produce such as wheat, paddy, sugarcane, cotton etc., the government should calculate National Minimum Wage as the basis for all human labour. This will mean not only economic justice to the poorest sections but also greater unity between the farmers and agricultural labourers,. leading towards social integration.

- 33 All means of mass communication, particularly Doordarshan and Akashvani should disseminate all aspects of National Minimum wage in all languages and dialects on a regular basis. This will empower the voiceless and unorganised labour to galvanise and unionise themselves and fight for a rightful place in the society.
- 34 For combating child labour, it is suggested that Indian Government should give national priority to education and social services. Government should commit itself to universalisation of free and compulsory elementary education for all children upto the age of fourteen years with training in productive skills.
- 35 Some educationists and trade unionists have suggested a compromise between the needs for education and child

labour, that the school hours be adjusted so as to make it possible to work and learn. But the danger is that whenever tl1ere is a conflict, education will be sacrificed and not work. Either the children will not attend the school at all, or he or she will be too tired to learn anything. Moreover, we should make out our objective to discourage long hours of work for children. There are of course special cases. Helping the family farming is one-it may be necessary to adjust school hours in the busy agricultural season (Dharma, 1988, p. 35).

Twenty years after its passage, the goals of the Bonded Labour Act--to punish employers of bonded labour and to identify, release, and rehabilitate bonded labourers have not been met, and efforts to do so are sporadic and weak at best. The bonded labour system continues to thrive, with millions of children tangled inside it. To eradicate bonded child labour, the Indian government must do two things: enforce the Bonded Labour Act, and create meaningful alternatives for already bonded child labourers and those at risk of joining their ranks.

In addition to genuine government action, it is essential that nongovernmental organizations be encouraged by the government to collaborate in this effort. The government has the resources and authority to implement the law, while community-based organizations have the grass-roots contacts and trust necessary to facilitate this implementation. Furthermore, nongovernmental groups can act as a

watchdog on government programs, keeping vigil for corruption, waste, and apathy. The elimination of current debt bondage and the prevention of new or relapsed bondage therefore requires a combination of concerted government action and extensive community involvement.

Effective vigilance committees must be formed and must, together with district magistrates, perform their statutory duties of identifying, releasing, and rehabilitating bonded labourers. Savings and credit programs must be instituted at the community level, giving the impoverished access to small loans during financial emergencies. This resource is crucial. Nearly every child we interviewed told us that they were sold to their employers because of their parents' desperation for money.

A community-based savings and credit program has been introduced in North Arcot district of Tamil Nadu, and early indications are that it will strike a significant blow against bonded child labour. The district collector for North Arcot, who claimed that sufficient funds and personnel were available from existing rural development programs, launched the program. Similar initiatives should be launched in all areas marked by bonded child labour.

Alternatives to servitude must be offered to children. The availability of free, compulsory, and quality education is widely regarded as the single most important factor in the fight against

bonded and nonbonded child labor. Despite this, less than half of India's children are in school. Recognizing the centrality of this issue, India's leading nongovernmental organizations have called for the implementation of universal education. They include: the Child Labour Action Network (CLAN), the Campaign Against Child Labour (CACL), the Centre for Rural Education and Development Action (CREDA), and the Bonded Labour Liberation Front (BLLF). UNICEF-India and Anti-Slavery International have also called for universal education in India.

At the same time, alternate efforts to at least minimally educate bonded children are already underway in a few areas. CREDA in the carpet-belt, the MV Foundation in Andhra Pradesh, and the Indian Council for Child Welfare (ICCW) in North Arcot, are all involved in non-formal education initiatives. Some of these programs utilize modest "incentives" to attract children, including small cash stipends and periodic grain allowances.

In addition, CREDA and the MV Foundation emphasize popular education for all members of the community, in which community teachers stress the importance of education for children and the deleterious effects of exploitative child labour. Such outreach is necessary in order to chip away at the thick web of myths and justifications that support exploitative child labour: that children must be trained at the "right" age or they will never learn a skill; that children must be trained in a profession "appropriate" to their caste and background; that children are well-suited for certain kinds of work

because of their "nimble fingers"; and that child labour is a natural and desirable function of the family unit. These views are widely shared by parents, educators, government officials, and the public at large, with the result that talk of children's labour rights is dismissed summarily. These views must be pulled out from under the bonded labour system.

In sum, the fight against bonded child labour must be holistic, with a focus on two fronts: enforcement and prevention. Those employers who continue to bind children to themselves with debt, paying just pennies for a hazardous and grueling work day, must be prosecuted. Children must be removed from bondage and rehabilitated to avoid a subsequent relapse. Finally, the educational and survival needs of all children at risk must be addressed in order to stop the cycle of bondage.

Child labour in the Brassware industry is an age old problem for which multipronged and sustained efforts by the government machinery have to be made. The cooperation and involvement of the Bharatiyas and exporters have to be sought. The artisans have to be made aware of the child labour implications. Since it is a human problem it has to be handled with human cooperation and financial assistance from government. The hazardous processes of the brassware industry have to be replaced with safer and more mechanical processes. Education will provide them the main liberating force.

The government has to frame best suited and sustainable policies and programmes to eliminate child labour. The society, at large, has to be more conscious about the gravity of the problem of child labour.

The Rights of the children have to be established clearly. They should not remain abstract, general and legalistic concepts. A movement on behalf of the children and young has to be launched not at the national level only but at the international level. Compulsory courses relating to human rights should be introduced in all educational institutions.

The world is changing and the notion that children are possession of their parents has to be changed. Now they are no more the possession of their parents but very important future citizens of the world.

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QUESTIONNAIRE



Questionnaire for Working Children

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		ANNEXURE
1.	Name :	
2.	Age:	
3.	Place of stay :	
4.	Native of which place :	
5.	Gender:	Male/Female
6.	What kind of family do you belong?	
	i) Joint	
	ii) Nuclear	
	iii) Extended	
	iv) Single parent	
7.	How may members are there in your family?	
	i) 1-4	
	ii) 4-8	
	iii) 8-12	
8.	How many brothers and sisters you have?	
	i) Brothers:	
	ii) Sisters :	
9.	How many of you are engaged in one or the	other occupation?

10. Whether any of your brothers/ sisters are engaged in Brassware work? Yes/No If yes, how much he/ she earns put of that?

Where does your family live?

11.

17.

	i) Own house
	ii) Rented house
	iii) Jhugi Jhopari
12.	What is the space in the house?
	i) one room including kitchen
	ii) one room plus kitchen
	iii) two rooms plus kitchen
13.	Profession of father:
14.	Profession of mother:
15.	Addiction of Guardian
	i) Drinking
	ii) Smoking
	iii) Drugs
	iv) None
16.	Whether you have some addiction? Yes/No
	i) If yes, of what type?
	ii) ii) Since how long?

What led to you to work as a child labour?

- i) Broken family
- ii) Alcoholic Parents
- iii) Lack of Parental care
- iv) Low interest in studies
- v) Pressure from parents
- vi) Illiteracy among parents
- vii) To supplement family income
- viii) For better living
- 18) Your educational qualification:
 - i) Primary
 - ii) Secondary
 - iii) Uneducated
- 19. Whether you are a drop out? Yes/NoIf yes, please assign reasons for being drop out.
 - i) Family condition
 - ii) Lack of school facilities
 - iii) Motive of earning for the family
 - iv) Motive to get pocket money for personal use
 - v) Under the influence of friends vi) Any other

20.	Do you think that work is more important than education?
	Yes/No
	If yes, why do you think so?
	i) To earn money

- ii) Not interested in studies
- iii) No earning member in the family
- iv) To supplement family's income
- v) Family environment
- vi) To learn the work
- viii) Parents compulsion
- Are you interested in studying? 21.
 - Full time i)
 - ii) ii) Non-formal education
 - iii) iii) Not at all
- In what occupation you are engaged? 22.
 - i)
 - ii)
 - iii)
 - iv)
- What is the mode of payment? 23.
 - .i) Daily Wage
 - ii) Weekly Payment
 - iii) Monthly Salary

- 24. How much you earn in a month?
 - i) 300-500
 - ii) 500-700
 - iii) 700-1000
- 25. How much you contribute to your family?
- 26. How much you spend on yourself?
- 27. In which place/area do you work?
- 28. How far is the distance between the place of work and your residence?
 - i) Very near
 - ii) Short distance
 - iii) Long distance
- 29. At which age did you start working?
- 30. Whether this is your first job? Yes/No If yes, please explain the working condition.
- 31. How long have you been doing this present work?
- 32. How many hours do you work daily?
- 33. How long you remain out of your house?

- 34. What do you do during your spare time?
 - i) Play
 - ii) Rest
 - iii) Watch movie
 - iv) Study
 - v) Do some other work
- 35. Do you get any rest interval other than lunch break? Yes/No
- 36. Do you get weekly holidays? Yes/No
- 37. Is there a cut in your wages if you take leave? Yes/No
- 38. Do you work overtime? Yes/No
 If yes, are you paid for overtime work?
- 39. Are you made to work even at the time of festivals? Yes/ No If yes, are you paid for it?
- 40. What all facilities are lacking at your workplace?
 - i) Spacious rooms
 - ii) Proper ventilation
 - iii) Safe drinking water
 - iv) Toilets
 - v) Sunlight

	Questionnaire
41.	Other than salary, what extra benefits do you get?
	i) Medical care
	ii) Transport facility
	iii) Food
	iv) House
	v) None
42.	How does your employer treat you?
	i) Beating
	ii) Scolding
	iii) Not giving salary
	iv) None
43.	Does your employer listen to your grievances?
	i) Sometimes
	ii) Always
	iii) Never
	iv) Rarely
44.	Are you satisfied with your job? Yes/No If yes, to what extent?
	i) Very Much
	ii) Somewhat
	iii) Not at all

- 45. Some organized gangs use the children of your age group for pick pocketing. Are you aware of them? Yes/No
 - i) If yes, whether you were at any point of time engaged in that? Yes/No
 - ii) If yes, what used to be the share of earning between you and the gang?
- 46. Whether you were caught pick pocketing by the police?

 Yes/No

 If yes, whether you were put in remand home or left free by the police?
- 47. Some people engage children of your age group for immoral traffic. Are you aware of this? Yes/No If yes, whether you have fallen in such trap?
- 48. What is your future plan?
 - i) To remain in the same work
 - ii) To join some other work
 - iii) Quit the work and start studying
 - iv) To get technical training
 - v) Whatever parent's say
 - vi) Do not know.

ANNEXURE II (A)

RESPONSE OF THE OWNERS OF THE GARAGES

1	Questions	Alternative	Response
		Answers	in
- N			numbers
1	Who supplied them child Labour	Sent by Parents	30
		Come their own	10
-		By other source	Nil
2	Your find the nature of the child labour is good	Strongly Agrees	16
		Agrees	22
		Indifferent	02
		Disagree	Nil
		S. Disagree	Nil
3	The C.L. one interested to learn the job assigned		18
		Much	20
		Indifferent	02
		Not Interested	0
4	You take initiative to guide the children working in your garage	Strongly Agree	2
		Agrees	28
		Indifferent	10
		Disagree	0
5	You like to send the nothing children to training center	S.A.	2
	×	Α	2
		Undecided	30
***************************************		D.A.	2
		S.D.A	0
6	You like to engage the Children	Agree	4
	working with you after their training		
-		Undecided	34
*		No response	2

7	You guide the children to expand	Always	10
1 - 3	their salary they receive from you	, and a go	
	inen caidi, and, receive were year	Often	14
		Rarely	14
	***	No Response	2
8	You like to change your garage to	S.Agree	8
	a training center with some monetary assistance form the Govt. and Private agency		
region stand	Covi. and I invace agency	Agree	28
100 s		Undecided	4
		Disagree	0
11 800 - 10 10 10		S. Disagree	0
9	The child workers usually leave your garage after training	Mostly	4
		Sometimes	12
99 () · ()		Rarely	14
50 en 13 e n		No Response	10
10	You like to Co-operate with the steps taken to ban the child labour	S. Agree	12
		Agree	20
		Undecided	8
		Disagree	0
* 29 175		S. Disagree	0

ANNEXURE II (B)

RESPONSE OF THE CHILD LABOUR WORKING IN GARAGES

	Questions	Alternative	Doonanaa
÷	Questions		Response in
1		Answers	1
1			numbers
1	Llove did you name to the source	0	00
1	How did you come to the garage	Sent by parents	
		By relations	2
		By their own	6
2	You like the job	Very much	22
		Much -	58
		Indifferent	8
		Not at all	0
3	You find the job interesting	Very interesting	14
		Interesting	34
		Indifferent	34
-		Some times	6
		difficult	
4	Your master appreciates when	Always	24
	you do a good job	104	
		Sometimes	54
		Rarely	10
		Never	0
5	Your senior mechanic likes you	Very Much	6
		Much	66
		Indifferent	4
		No response	12
6	Your senior mechanic allows to	Strongly Agree	2
1	learn the job well		
		Agree	68
		Undecided	10
		Disagree	6
		S. Disagree	2

Questionnaire

7	Your senior mechanics gives you hard punishment when you commit some mistake		0
		Agree	2
		Undecided	10
		Disagree	74
		S. Disagree	12
8	You like to join in a formal training school to learn the skill will	Very Much	2
	,	Much	6
		Indifferent	54
		No response	22
		Never	4
9	You like to join in a workshop cum training center with stipend or some monetary assistance	Very Much	8
		Much	60
		Indifferent	9
ν.		No response	5
		Never	6
10	Your salary is adequate to maintain yourself	Strongly agree	0
	At the second of	Agree	40
		Indifferent	15
		Disagree	23